# A TREATISE ON POLITICS,

Wherein it is shown how a Monarchy
and an Aristocracy must be organized if
they are not to degenerate into Tyranny,
and if the Peace and Freedom of the
citizens is to remain intact.

# TRACTATUS POLITICUS,

In quo demonstratur quomodo
Societas ubi Imperium Monarchicum
locum habet, sicut et ea ubi Optimi im-
perant, debet institui, ne in Tyran-
nidem labatur, et ut Pax Liber-
tasque civium inviolata
maneat.

6–7. For *Libertas NS* has *Veiligheit* (*Securitas*). But the reading of *OP* is guaranteed by p. 364, ll. 28–32; p. 366, ll. 1–4; p. 426, ll. 24–29; and p. 436, ll. 9–12. In any case the account of the contents of the *TP* was probably composed by Spinoza's editors: see M. Francès, *Œuvres Complètes de Spinoza*, Gallimard, 1954, pp. 1471–4.

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## *Auctoris epistola ad Amicum, quae Praefationis loco huic Tractatui Politico apte praefigi et inservire poterit*

AMICE DILECTE,

Grata tua mihi heri tradita est. Gratias pro cura tam diligenti quam pro me geris ex animo ago. Hanc occasionem . . . non praetermitterem, nisi in quadam re essem occupatus quam utiliorem judico, quaeque tibi, ut credo, magis arridebit; nempe in Tractatu Politico concinnando quem ante aliquod tempus te auctore inchoavi. Hujus Tractatus capita sex jam sunt absoluta. Primum ad ipsum opus introductionem quasi continet; secundum tractat de jure naturali; tertium de jure summarum potestatum; quartum quaenam negotia politica a summarum potestatum gubernatione pendeant; quintum quidnam sit illud extremum et summum quod societas potest considerare; et sextum qua ratione imperium monarchicum debeat institui ne in tyrannidem labatur. Impraesentiarum caput septimum tracto, in quo omnia praecedentis sexti capitis membra ordinem bene ordinatae monarchiae concernentia methodice demonstro. Postea ad aristocraticum et popularе imperium, denique ad leges aliasque particulares quaestiones politicam spectantes transibo. Hisce vale. . . .

Patet hinc Auctoris scopus; sed morbo impeditus et morte abreptus hoc opus non ulterius quam ad finem Aristocratiae perducere valuit, quemadmodum Lector ipse experietur.

11–12. *alleenlijk van de bestiering der Oppermachten afhangen*, i.e. *a sola summarum potestatum gubernatione pendeant.*

## *A letter from the Author to a friend, which may fittingly serve as a Preface to this Treatise on Politics*

DEAR FRIEND,

Your welcome letter was delivered to me yesterday, and I thank you most sincerely for the kindly interest which you take in my welfare. I should not miss this opportunity of . . ., if I did not have something in hand which I think more useful, and which, I believe, will please you more; I mean the composition of the Treatise on Politics which I began some time ago at your suggestion. Of this Treatise six chapters are already complete. The first is a sort of introduction to the work itself; the second deals with natural right; the third with the right of sovereign powers; the fourth with the political functions which are subject to their control; the fifth with the best and highest aim that a society can contemplate; and the sixth with the manner in which a monarchy must be organized if it is not to degenerate into tyranny. At the moment I am busy with the seventh chapter, in which I justify point by point all the sections on the constitution of a well organized monarchy in the previous chapter. This done, I shall turn to aristocracy and democracy; and shall conclude by discussing laws and other particular questions relating to politics. Now I must say farewell. . . .

This letter shows the Author's design; but his illness and untimely death prevented him from continuing this work beyond the end of the chapters on Aristocracy, as the Reader will discover for himself.[1]

[1] The work in fact contains four sections on democracy (*TP* xi, pp. 441–5).

## CAPUT I

1. Affectus quibus conflictamur concipiunt philosophi veluti vitia in quae homines sua culpa labuntur; quos propterea ridere, flere, carpere, vel (qui sanctiores videri volunt) detestari solent. Sic ergo se rem divinam facere, et sapientiae culmen attingere credunt, quando humanam naturam quae nullibi est multis modis laudare, et eam quae revera est dictis lacessere norunt. Homines namque, non ut sunt, sed ut eosdem esse vellent, concipiunt: unde factum est ut plerumque pro ethica satyram scripserint, et ut nunquam politicam conceperint quae possit ad usum revocari; sed quae pro chimaera haberetur, vel quae in Utopia, vel in illo poëtarum aureo saeculo, ubi scilicet minime necesse erat, institui potuisset. Cum igitur omnium scientiarum quae usum habent, tum maxime politices theoria ab ipsius praxi discrepare creditur, et regendae reipublicae nulli minus idonei aestimantur quam theoretici seu philosophi.

2. At politici contra hominibus magis insidiari quam consulere creduntur, et potius callidi quam sapientes aestimantur. Docuit nimirum eosdem experientia vitia fore donec homines. Humanam igitur malitiam praevenire dum student, idque iis artibus quas experientia longo usu docuit, et quas homines magis metu quam ratione ducti exercere solent, religioni adversari videntur, theologis praecipue, qui credunt summas potestates debere negotia publica tractare secundum easdem pietatis regulas quibus vir privatus tenetur. Ipsos tamen politicos multo felicius de rebus politicis scripsisse quam philosophos dubitari non potest. Nam quoniam experientiam magistram habuerunt, nihil docuerunt quod ab usu remotum esset.

5. *multis modis* not in *NS*.

6–7. *NS Want de menschen bevatten de hartstochten niet gelijk zy zijn, maar gelijk zy hen willen.* A mistranslation by which *Homines* is taken as the subject of *concipiunt* and *affectus* supplied as its object.

20. *NS zo schijnen zy tegen de Godsdienst gekant te wezen, en voornamelijk tegen de Godgeleerden.* I prefer to take *theologis* with *videntur*.

# CHAPTER I

1. Philosophers regard the passions that torment us as vices into which we fall through our own fault; and so their habit is to deride, deplore, and revile them, or else, if they want to seem more pious than the rest, to denounce them in God's name. Such conduct they take to be godlike, and they think they have reached the acme of wisdom when they have learnt to sing the praises of a human nature nowhere to be found, and to rail at the sort which actually exists.[1] In fact they conceive men, not as they are, but as they would like them to be.[2] The result is that they have generally written satire instead of ethics, and have never conceived a political system which can be applied in practice;[3] but have produced either obvious fantasies, or schemes that could only have been put into effect in Utopia, or the poets' golden age, where, of course, there was no need of them at all.[4] Thus while theory is supposed to be at variance with practice in all the sciences which admit of application, this is held to be particularly true in the case of politics, and no men are regarded as less fit to govern a state than theorists or philosophers.[5]

2. Statesmen, on the other hand, are believed to plan men's undoing rather than their welfare, and have a greater reputation for cunning than for wisdom. No doubt experience has taught them that there will be vices so long as there are men.[6] They therefore try to forestall human wickedness; but since they do so by means of tricks which have been learnt from long practical experience, and which men usually employ out of fear rather than from rational motives, they are regarded as opponents of religion, especially by theologians, who believe that sovereigns ought to handle public affairs in accordance with the same moral rules as are binding on private individuals.[7] Yet there is no doubt that statesmen have written much more successfully about politics than philosophers; for since experience has been their guide, they have taught nothing which could not be put into practice.[8]

[1] *E* iii, Pref.; iv, 50 Sch; *Ep.* xxx.

[2] Aristotle, *Poetics* 1460$^{b}$ 33–34.

[3] Machiavelli, *Prince* xv.

[4] *TT-P* v, p. 93; *TP* vi, 3, p. 315.

[5] An allusion to Plato's philosopher-king.

[6] Tacitus, *Histories* iv, lxxiv, 2.

[7] Unlike Machiavelli, who held that 'una repubblica e un popolo si governa altrimenti che un privato' (quoted in L. A. Burd's edition of *The Prince*, p. 298).

[8] Spinoza agrees with Thomas Cromwell, who advised Cardinal Pole 'to fling aside dreamers like Plato, and read a new book by an ingenious Italian who treated the arts of government practically'. See Morley's essay on Machiavelli, pp. 5–6 (*Miscellanies*, 4th series, Macmillan, 1908).

3. Et sane mihi plane persuadeo experientiam omnia civitatum genera quae concipi possunt ut homines concorditer vivant, et simul media quibus multitudo dirigi, seu quibus intra certos limites contineri debeat, ostendisse: ita ut non credam nos posse aliquid, quod ab experientia sive praxi non abhorreat, cogitatione de hac re assequi, quod nondum expertum compertumque sit. Nam homines ita comparati sunt ut extra commune aliquod jus vivere nequeant; jura autem communia et negotia publica a viris acutissimis, sive astutis sive callidis, instituta et tractata sunt; adeoque vix credibile est nos aliquid quod communi societati ex usu esse queat posse concipere, quod occasio seu casus non obtulerit, quodque homines communibus negotiis intenti, suaeque securitati consulentes, non viderint.

4. Cum igitur animum ad politicam applicuerim, nihil quod novum vel inauditum est, sed tantum ea quae cum praxi optime conveniunt, certa et indubitata ratione demonstrare, et ex ipsa humanae naturae conditione deducere intendi; et ut ea quae ad hanc scientiam spectant eadem animi libertate, qua res mathematicas solemus, inquirerem, sedulo curavi humanas actiones non ridere, non lugere, neque detestari, sed intelligere: atque adeo humanos affectus, ut sunt amor, odium, ira, invidia, gloria, misericordia, et reliquae animi commotiones, non ut humanae naturae vitia, sed ut proprietates contemplatus sum, quae ad ipsam ita pertinent ut ad naturam aëris aestus, frigus, tempestas, tonitru, et alia hujusmodi; quae tametsi incommoda sunt, necessaria tamen sunt, certasque habent causas per quas eorum naturam intelligere conamur, et mens eorum vera contemplatione aeque gaudet ac earum rerum cognitione quae sensibus gratae sunt.

5. Est enim hoc certum, et in nostra Ethica verum esse demonstravimus, homines necessario affectibus esse obnoxios; et ita constitutos esse ut eorum quibus male est misereantur, et quibus bene est invideant, et ut ad vindictam magis quam ad misericordiam sint proni; et praeterea unumquemque appetere ut reliqui ex ipsius ingenio vivant, et ut probent quod ipse probat, et quod ipse repudiat repudient. Unde fit ut,

2. *ut homines concorditer vivant* not in *NS*.
15–16. *NS te betogen, en . . . af te leiden*, i.e. *demonstrare, et . . . deducere*; *OP aut.*
30. *NS en dieshalven willen en begeren*, i.e. *propterea.*

3. In fact, I am fully convinced that every form of commonwealth which can be devised to secure human concord, and all the means required to guide a people, or to keep it within definite bounds, have already been revealed by experience;[1] and so I do not believe that speculation on this matter can lead us to anything, not utterly at variance with practical experience, which has not been discovered and tried already. Human nature is such that men cannot live without some common system of law. Now such systems have been established, and public affairs conducted, by men of great acuteness—call them astute or cunning as you please; and so it is hardly credible that we can conceive anything for the benefit of an ordinary community which has not been suggested already by opportunity or chance, and which men intent on public business, and careful of their own safety, have not discovered for themselves.

4. Thus my object in applying my mind to politics is not to make any new or unheard of suggestions, but to establish by sound and conclusive reasoning, and to deduce from the real nature of man, nothing save the principles and institutions which accord best with practice. Moreover, in order to investigate the topics pertaining to this branch of knowledge with the same objectivity as we generally show in mathematical inquiries, I have taken great care to understand human actions, and not to deride, deplore, or denounce them. I have therefore regarded human passions like love, hate, anger, envy, pride, pity, and the other feelings that agitate the mind, not as vices of human nature, but as properties which belong to it in the same way as heat, cold, storm, thunder and the like belong to the nature of the atmosphere. Inconvenient though they be, such things are necessary properties; they have definite causes[2] through which we try to understand their nature, and a true understanding of them gives the mind as much satisfaction as the apprehension of things pleasing to the senses.[3]

5. I have taken this course because it is certainly true, and proved to be so in my Ethics, that men are necessarily subject to passions;[4] that by nature they pity the unfortunate, but envy the fortunate,[5] and incline more to vengeance than to compassion.[6] I have also shown that each man strives to make the others live as *he* pleases, approve what *he* approves, and reject what *he* rejects.[7] In consequence,

[1] But they may not have been properly combined: cf. Aristotle, *Politics* 1264[a] 1–5. Hence *TP* vi-xi.

[2] For Spinoza's account of the 'causes' of the passions see *E* iii.

[3] *E* iii, Pref. [4] *E* iv, 4 Cor. [5] *E* iii, 32 Sch.

[6] *E* iv, App. 13. [7] *E* iii, 31 Cor.

cum omnes pariter appetant primi esse, in contentiones veniant, et quantum possunt nitantur se invicem opprimere; et qui victor evadit magis glorietur quod alteri obfuit quam quod sibi profuit. Et quamvis omnes persuasi sint religionem contra docere ut unusquisque proximum tanquam se ipsum amet, hoc est, ut jus alterius perinde ac suum defendat, hanc tamen persuasionem in affectus parum posse ostendimus. Valet quidem in articulo mortis, quando scilicet morbus ipsos affectus vicit, et homo segnis jacet; vel in templis, ubi homines nullum exercent commercium; at minime in foro vel in aula, ubi maxime necesse esset. Ostendimus praeterea rationem multum quidem posse affectus coërcere et moderari; sed simul vidimus viam quam ipsa ratio docet perarduam esse; ita ut qui sibi persuadent posse multitudinem, vel qui publicis negotiis distrahuntur, induci ut ex solo rationis praescripto vivant, saeculum poëtarum aureum seu fabulam somnient.

6. Imperium igitur cujus salus ab alicujus fide pendet, et cujus negotia non possunt recte curari nisi ii qui eadem tractant fide velint agere, minime stabile erit; sed, ut permanere possit, res ejus publicae ita ordinandae sunt ut qui easdem administrant, sive ratione ducantur sive affectu, induci nequeant ut male fidi sint seu prave agant. Nec ad imperii securitatem refert quo animo homines inducantur ad res recte administrandum, modo res recte administrentur: animi enim libertas seu fortitudo privata virtus est; at imperii virtus securitas.

7. Denique, quia omnes homines, sive barbari sive culti sint, consuetudines ubique jungunt et statum aliquem civilem formant, ideo imperii causae et fundamenta naturalia non ex rationis documentis petenda, sed ex hominum communi natura seu conditione deducenda sunt, quod in sequenti Capite facere constitui.

8. *NS overwint*, i.e. *vincit*.
19. *NS of qualijk te doen*, i.e. *seu*. So *P*. *OP ceu*.
25. *Gf causae*; *OP causas*. An obvious correction which has been overlooked by subsequent editors.

since all are equally bent on supremacy, they start to quarrel, and do their utmost to enslave one another; and he who comes off victorious prides himself more on having harmed his opponent than on having benefited himself.[1] All may know perfectly well that this is contrary to religion, which teaches that everyone should love his neighbour as himself, i.e. should defend the rights of another just as he does his own; but, as I have shown, this conviction is of little avail against the passions.[2] It is strong, no doubt, at the moment of death, when even the passions have been subdued by illness, and the man lies listless; or in churches, where men have no dealings one with another; but it has very little influence in courtroom or palace, where the need for it would seem to be greatest. I have also shown that reason can do a great deal to check and moderate the passions;[3] but at the same time we saw that the way prescribed by reason is very difficult;[4] so that those who believe that a people, or men divided over public business, can be induced to live by reason's dictate alone, are dreaming of the poets' golden age or of a fairy-tale.

6. Thus when the safety of a state depends on any man's good faith, and its affairs cannot be administered properly unless its rulers choose to act from good faith, it will be very unstable; if a state is to be capable of lasting, its administration must be so organized that it does not matter whether its rulers are led by reason or passion—they cannot be induced to break faith or act badly. In fact it makes no difference to the stability of a state what motive leads men to conduct its affairs properly, provided that they *are* conducted properly. For freedom or strength of mind is a private virtue; the virtue of a state is stability.

7. Finally, since all men, savage and civilized alike, everywhere enter into social relations and form some sort of civil order, the causes and natural foundations of the state are not to be sought in the precepts of reason,[5] but must be deduced from the common nature or constitution of men. And this is what I propose to do in the next Chapter.

[1] *E* iv, 58 Sch.
[2] *E* iv, 15; 62 Sch.
[3] *E* v, 4 Sch.
[4] *E* v, 42 Sch.
[5] *TP* vi, 1, p. 315. In denying that the state is a product of reason Spinoza abandons his original belief in an historical social contract (*TT-P* xvi, pp. 129–33). The only contract mentioned in the *TP* is a contract of government (*TP* iv, 6, p. 305).

## CAPUT II

1. In nostro Tractatu Theologico-politico de jure naturali et civili egimus, et in nostra Ethica explicuimus quid peccatum, quid meritum, quid justitia, quid injustitia, et quid denique humana libertas sit. Sed ne ii qui hunc tractatum legunt opus habeant ea quae ad hunc ipsum tractatum maxime spectant in aliis quaerere, ea hic iterum explicare et apodictice demonstrare constitui.

2. Res quaecunque naturalis potest adaequate concipi, sive existat sive non existat. Ut igitur rerum naturalium existendi principium, sic earum in existendo perseverantia ex earum definitione non potest concludi; nam earum essentia idealis eadem est postquam existere inceperunt quam antequam existerent. Ut ergo earum existendi principium ex earum essentia sequi nequit, sic nec earum in existendo perseverantia; sed eadem potentia, qua indigent ut existere incipiant, indigent ut existere pergant. Ex quo sequitur rerum naturalium potentiam, qua existunt, et consequenter qua operantur, nullam aliam esse posse quam ipsam Dei aeternam potentiam: nam si quae alia creata esset, non posset seipsam, et consequenter neque res naturales conservare, sed ipsa etiam eadem potentia, qua indigeret ut crearetur, indigeret ut in existendo perseveraret.

3. Hinc igitur, quod scilicet rerum naturalium potentia, qua existunt et operantur, ipsissima Dei sit potentia, facile intelligimus quid jus naturae sit. Nam quoniam Deus jus ad omnia habet, et jus Dei nihil aliud est quam ipsa Dei potentia quatenus haec absolute libera consideratur, hinc sequitur unamquamque rem naturalem tantum juris ex natura habere quantum potentiae habet ad existendum et operandum; quandoquidem uniuscujusque rei naturalis potentia, qua existit et operatur, nulla alia est quam ipsa Dei potentia quae absolute libera est.

4. Per jus itaque naturae intelligo ipsas naturae leges seu regulas secundum quas omnia fiunt, hoc est, ipsam naturae potentiam; atque

8–10. *M* brackets *Ut . . . concludi* as superfluous.
11. *NS als zy was.* The correct reading may be *quae.*
18. *NS 't welk het behoeft om geschapen te worden*, i.e. *qua indiget ut creetur.*

# CHAPTER II

1. I have dealt in my Tractatus Theologico-Politicus with natural and civil right,[1] and have explained in my Ethics what is meant by sin, righteousness, justice, injustice,[2] and finally by human freedom.[3] But to save my readers the trouble of consulting other works for discussions which are particularly relevant to the present treatise, I have decided to explain my views again here and to give a formal proof of their validity.

2. Anything in nature can be conceived adequately whether it is actually in being or not.[4] Thus neither its coming into being nor its persistence in being can be deduced from its definition; for its essence in thought is the same after it has come into being as it was before it existed. Its persistence in being, then, cannot follow from its essence any more than its coming into being can; it needs the same power to continue in being as it needs to come into being.[5] It follows that the power by which things in nature exist, and by which, in consequence, they act, can be none other than *the eternal power of God*. For suppose it were some other power, created by God; then, not being able to preserve itself, it would not be able to preserve things in nature either, but would itself need the same power to persist in being as it needed to be created.

3. Now from the fact that the power of things in nature to exist and act is really *the power of God*,[6] we can easily see what the right of nature is. For since God has the right to do everything, and God's right is simply *God's power* conceived as completely free, it follows that each thing in nature has as much right from nature as it has power to exist and act; since the power by which it exists and acts is nothing but the completely free *power of God*.[7]

4. By the right of nature, then, I mean the actual laws or rules of nature in accordance with which all things come to be; that is, the

[1] With natural right in *TT-P* xvi, pp. 125–7: with civil right in *TT-P* xvi, p. 139.
[2] *E* iv, 37 Sch. 2. [3] *E* v. [4] *E* i, 24.
[5] *CPP* i, Ax. 10. [6] *E* i, 34.
[7] *TT-P* xvi, pp. 125–7. Since power and right are identical in God, the identification of the power of nature with the power of God enables Spinoza to equate natural right with natural power. The assertion that God's right is simply God's power conceived as completely free enables him to identify natural right and natural law, since to conceive God's power as completely free is to conceive it as determined by the laws of its own nature alone (*E* i, 17). These laws, unlike the laws established by human legislators, are eternal and inviolable (*TP* ii, 18, p. 279).

adeo totius naturae et consequenter uniuscujusque individui naturale jus eo usque se extendit quo ejus potentia; et consequenter quicquid unusquisque homo ex legibus suae naturae agit, id summo naturae jure agit, tantumque in naturam habet juris quantum potentia valet.

5. Si igitur cum humana natura ita comparatum esset ut homines ex solo rationis praescripto viverent, nec aliud conarentur, tum naturae jus, quatenus humani generis proprium esse consideratur, sola rationis potentia determinaretur. Sed homines magis caeca cupiditate quam ratione ducuntur; ac proinde hominum naturalis potentia sive jus, non ratione, sed quocunque appetitu quo ad agendum determinantur, quoque se conservare conantur, definiri debet. Equidem fateor cupiditates illas, quae ex ratione non oriuntur, non tam actiones quam passiones esse humanas. Verum quia hic de naturae universali potentia seu jure agimus, nullam hic agnoscere possumus differentiam inter cupiditates quae ex ratione, et inter illas quae ex aliis causis in nobis ingenerantur; quandoquidem tam hae quam illae effectus naturae sunt, vimque naturalem explicant qua homo in suo esse perseverare conatur. Est enim homo, sive sapiens sive ignarus sit, naturae pars, et id omne ex quo unusquisque ad agendum determinatur ad naturae potentiam referri debet, nempe quatenus haec per naturam hujus aut illius hominis definiri potest. Nihil namque homo, seu ratione seu sola cupiditate ductus, agit nisi secundum leges et regulas naturae, hoc est (per Art. 4 hujus Cap.), ex naturae jure.

6. At plerique ignaros naturae ordinem magis perturbare quam sequi credunt, et homines in natura veluti imperium in imperio concipiunt. Nam mentem humanam a nullis causis naturalibus statuunt produci, sed a Deo immediate creari, a reliquis rebus adeo independentem ut absolutam habeat potestatem sese determinandi et ratione recte utendi. Sed experientia satis superque docet quod in nostra potestate non magis sit mentem sanam quam corpus sanum habere. Deinde, quandoquidem unaquaeque res quantum in se est suum esse conservare conatur, dubitare

1. *Gf individui*; *OP invidui.*

4. *OP potentiâ*; *NS als zijn vermogen vermag.*

10–11. *NS door de welke hy tot werken bepaalt word, en daar door hy poogt zich zelf te bewaren.*

24. For *naturae ordinem NS* has *de natuur.*

actual power of nature.[1] Thus the natural right of nature as a whole, and consequently the natural right of each individual, extends as far as its power. Hence everything a man does in accordance with the laws of his nature, he does by the sovereign right of nature, and he has as much right against other things in nature as he has power and strength.

5. If, then, human nature were such that men lived only as reason prescribed, and never tried to do anything else, the right of nature attributed to human beings would be restricted to the power to use reason.[2] But men are led more by blind desire than by reason; and so their natural power, or natural right, must not be defined in terms of reason, but must be held to cover every possible appetite by which they are determined to act, and by which they try to preserve themselves. Admittedly, the desires which are not based on reason are instances of human passivity rather than of human activity.[3] But since we are dealing at present with the power or right of nature which is common to everything, we can admit no distinction here between desires which are engendered in us by reason, and those which arise from other causes; since both are equally products of nature, and manifest the natural force by which man tries to preserve his own being.[4] For man, whether enlightened or unenlightened, is part of nature, and every motive which determines an individual to action must be attributed to a power of nature that is manifested equally in the natures of both kinds of man. For whether man is led by reason or by desire alone, he always acts in accordance with the laws and rules of nature, that is, by the right of nature (Section 4 of this Chapter).

6. Most men, however, believe that the unenlightened violate the order of nature rather than conform to it; they conceive men in nature as a state within a state.[5] They maintain, in fact, that the human mind is not produced by natural causes at all, but is the direct creation of God, and is so completely independent of every other thing that it has an absolute power to determine itself and use reason correctly.[6] But experience teaches us only too well that it is no more in our power to have a sound mind than to have a sound body. Moreover, since everything does all it *can* do to preserve its own being, we cannot have the

[1] Hobbes distinguishes natural right and natural law (*De Cive* xiv, 3), and regards natural law as prescriptive (*De Cive* ii, 1).

[2] In *De Cive* i, 7 Hobbes defines natural right in terms of right reason.

[3] *E* iii, 58–59.

[4] Man's *conatus sese conservandi* is his actual essence (*E* iii, 7), the source of both his 'actions' and his 'passions'. Cf. *E* v, 4 Sch.

[5] *E* iii, Pref.

[6] Contrast *E* iv, 4.

nequaquam possumus quin, si aeque in nostra potestate esset tam ex rationis praescripto vivere quam caeca cupiditate duci, omnes ratione ducerentur et vitam sapienter instituerent; quod minime fit. Nam trahit sua quemque voluptas. Nec theologi hanc difficultatem tollunt, qui scilicet statuunt hujus impotentiae causam humanae naturae vitium seu peccatum esse, quod originem a primi parentis lapsu traxerit. Nam si etiam in primi hominis potestate fuit tam stare quam labi, et mentis compos erat et natura integra, quî fieri potuit ut sciens prudensque lapsus fuerit? At dicunt eum a Diabolo deceptum fuisse. Verum quis ille fuit qui ipsum Diabolum decepit,—quis, inquam, ipsum omnium creaturarum intelligentium praestantissimum adeo amentem reddidit, ut Deo major esse voluerit? Nonne enim se ipsum, qui mentem sanam habebat, suumque esse quantum in se erat conservare conabatur? Deinde quî fieri potuit ut ipse primus homo, qui mentis compos erat et suae voluntatis dominus, seduceretur et mente patereretur capi? Nam si potestatem habuit ratione recte utendi, decipi non potuit; nam quantum in se fuit conatus est necessario suum esse mentemque suam sanam conservare. Atqui supponitur eum hoc in potestate habuisse: ergo mentem suam sanam necessario conservavit, nec decipi potuit. Quod ex ipsius historia falsum esse constat; ac proinde fatendum est quod in primi hominis potestate non fuerit ratione recte uti, sed quod, sicuti nos, affectibus fuerit obnoxius.

7. Quod autem homo, ut reliqua individua, suum esse quantum in se est conservare conetur, negare nemo potest. Nam si hic aliqua concipi posset differentia, inde oriri deberet quod homo voluntatem haberet liberam. Sed quo homo a nobis magis liber conciperetur, eo magis cogeremur statuere ipsum sese necessario debere conservare, et mentis compotem esse; quod facile unusquisque qui libertatem cum contingentia non confundit mihi concedet. Est namque libertas virtus seu perfectio: quicquid igitur hominem impotentiae arguit, id ad ipsius libertatem referri nequit. Quare homo minime potest dici liber propterea quod potest non existere, vel quod potest non uti ratione, sed tantum quatenus potestatem habet existendi et operandi secundum humanae naturae leges. Quo igitur hominem magis liberum esse consideramus, eo minus dicere possumus quod possit ratione non uti, et

6. For *primi parentis NS* reads *van onze eerste Ouders.*

10–11. *NS* has a different punctuation: *Wie, zeg ik, heeft hem, de voortreffelijkste van alle verstandelijke schepselen, zo dwaas gemaakt.*

slightest doubt that, if it *were* as much in our power to live by the precept of reason as it is to be led by blind desire, all men *would* be guided by reason, and *would* order their lives wisely; which is very far from being the case. For everyone is captivated by his own pleasure.[1] Nor do theologians dispose of this difficulty by their dogma that the cause of this weakness is the vice or sin which arose in human nature through the fall of our first ancestor. For if even the first man had as much power to stand as to fall, if his mind was sound and his nature uncorrupted, how, with his knowledge and foresight, could he possibly have fallen? Their answer is that he was deceived by the Devil.[2] Then who was it that deceived the Devil himself? Who, I ask, made the very foremost of all intelligent creatures so insane that he wished to be greater than God? For surely, if the Devil had a sound mind, he must have been doing all he could to preserve himself and his own being? Again, if the first man himself was sound in mind and master of his own will, how could he possibly have allowed himself to be seduced and tricked? If he had the power to use reason correctly, he could not have been deceived; for he must have done everything in his power to preserve his own being and his own sound mind. Now the hypothesis is that he did have the power to use reason correctly: therefore he must have preserved his sound mind, and could not have been deceived. This, however, is shown to be false by the story told about him; and so we must admit that the first man did not have it in his power to use reason correctly, but was subject to passions like ourselves.

7. But that man, like everything else in nature, does his utmost to preserve his own being, no one can deny. In fact, we could only conceive man to differ from other things in this respect if we assumed that he had free will. Yet the more free we conceived a man to be, the more should we be compelled to maintain that he must necessarily preserve himself and have a sound mind; as everyone who does not confuse freedom with chance will readily grant me. For freedom is virtue or perfection: and so nothing that betokens weakness in a man can be put down to his freedom.[3] In consequence, it is quite impossible to call a man free because he can fail to exist, or fail to use reason; he can be called free only in so far as he has the power to exist and act in accordance with the laws of human nature.[4] So the more free we conceive a man to be, the less we can say that he can fail to use reason, and choose

[1] Virgil, *Eclogues* ii, 65 (quoted also in *TT-P* xvi, p. 131).
[2] Spinoza has no need of this hypothesis: see *KV* ii, 25.
[3] See *E* iv, 66 Sch.
[4] *E* iv, 24.

mala prae bonis eligere; et ideo quod Deus, qui absolute liber existit, intelligit, et operatur, necessario etiam, nempe ex suae naturae necessitate, existit, intelligit, et operatur. Nam non dubium est quin Deus eadem qua existit libertate operetur: ut igitur ex ipsius naturae necessitate existit, ex ipsius etiam naturae necessitate agit, hoc est, libere absolute agit.

8. Concludimus itaque in potestate uniuscujusque hominis non esse ratione semper uti et in summo humanae libertatis fastigio esse; et tamen unumquemque semper quantum in se est conari suum esse conservare, et (quia unusquisque tantum juris habet quantum potentia valet) quicquid unusquisque, sive sapiens sive ignarus, conatur et agit, id summo naturae jure conari et agere. Ex quibus sequitur jus et institutum naturae, sub quo omnes nascuntur homines et maxima ex parte vivunt, nihil nisi quod nemo cupit et quod nemo potest prohibere; non contentiones, non odia, non iram, non dolos, nec absolute aliquid quod appetitus suadet aversari. Nec mirum; nam natura non legibus humanae rationis, quae non nisi hominum verum utile et conservationem intendunt, continetur, sed infinitis aliis quae totius naturae, cujus homo particula est, aeternum ordinem respiciunt; ex cujus sola necessitate omnia individua certo modo determinantur ad existendum et operandum. Quicquid ergo nobis in natura ridiculum, absurdum, aut malum videtur, id inde est quod res tantum ex parte novimus, totiusque naturae ordinem et cohaerentiam maxima ex parte ignoramus, et quod omnia ex praescripto nostrae rationis ut dirigerentur volumus: cum tamen id quod ratio malum esse dictat non malum sit respectu ordinis et legum universae naturae, sed tantum solius nostrae naturae legum respectu.

9. Praeterea sequitur unumquemque tamdiu alterius esse juris, quamdiu sub alterius potestate est, et eatenus sui juris, quatenus vim omnem repellere, damnumque sibi illatum ex sui animi sententia vindicare, et absolute, quatenus ex suo ingenio vivere potest.

10. Is alterum sub potestate habet, quem ligatum tenet; vel cui arma et media sese defendendi aut evadendi ademit; vel cui metum

1. *OP et ideo Deus*; *NS Dieshalven God.* But Spinoza always argues from God to man, never from man to God.

12 ff. The passage from *Ex quibus* to the end of the Section is repeated practically word for word from *TT-P* xvi, pp. 126–8.

18. *NS door ontellijke andere dingen.*

30. *NS en volstrektelijk naar zijn zinnelijkheit leven.*

31–32. *NS of die hy van de wapenen, om zich te verdedigen . . . heeft berooft.*

evil in preference to good; and this because God, who exists, understands, and acts with complete freedom, also exists, understands, and acts by necessity; i.e. by the necessity of his own nature. For there is no doubt that God acts with the same freedom with which he exists: therefore, just as he exists by the necessity of his own nature, so he also acts by the necessity of his own nature, i.e. with complete freedom.[1]

8. I conclude, then, that it is not in a man's power to use reason always and to be always at the peak of human freedom; yet that he always does his best to preserve his own being, and, whether enlightened or unenlightened, attempts and does by the sovereign right of nature everything he attempts and does;[2] since he has as much right as he has power and strength. It follows that the right and law of nature, under which all men are born and for the most part live, forbids nothing but what nobody desires and nobody can do: it forbids neither strife, nor hatred, nor anger, nor deceit; in short, it is opposed to nothing that appetite can suggest. Nor is this surprising; for nature is not bounded by the laws of human reason, which aim only at men's true interest and preservation, but by other laws of infinite scope governing the eternal order of the whole of nature, in which man is a tiny part; and it is by the necessity of this order alone that all individual things are determined to exist and act in a definite way. Hence if anything in nature seems to us ridiculous, absurd, or bad, this is because we know things only in part, being almost entirely ignorant of how they are linked together in the universal system of nature;[3] and because we want everything to be directed in accordance with the precept of our own reason. Yet what reason declares to be bad is not bad in relation to the order and laws of nature as a whole, but only in relation to the laws of our nature in particular.

9. It also follows that one individual is subject to the right of another, or dependent upon him, for as long as he is subject to the other's power; and possessed of his own right, or free, in so far as he can repel all force, take what vengeance he pleases for harm done him, and, to speak generally, live as his own nature and judgement dictate.

10. One man has another in his power when he holds him in bonds; when he has disarmed him and deprived him of the means of self-defence or escape; when he has inspired him with fear; or when he has

[1] *E* i, Def. 7.

[2] But the enlightened man acts by the right of his own nature alone; as Spinoza says below, he is *omnino sui juris*.

[3] *TT-P* iv, pp. 67–69, and xvi, p. 127; *TP* ii, 22, p. 281; *Epp.* xxx and xxxii.

injecit; vel quem sibi beneficio ita devinxit ut ei potius quam sibi morem gerere, et potius ex ipsius quam ex sui animi sententia vivere velit. Qui primo vel secundo modo alterum in potestate habet, ejus tantum corpus, non mentem, tenet; tertio autem vel quarto tam ipsius mentem quam corpus sui juris fecit, sed non nisi durante metu vel spe; hac vero aut illo adempto manet alter sui juris.

11. Judicandi facultas eatenus etiam alterius juris esse potest, quatenus mens potest ab altero decipi: ex quo sequitur mentem eatenus sui juris omnino esse, quatenus recte uti potest ratione. Imo quia humana potentia non tam ex corporis robore quam ex mentis fortitudine aestimanda est, hinc sequitur illos maxime sui juris esse qui maxime ratione pollent, quique maxime eadem ducuntur. Atque adeo hominem eatenus liberum omnino voco, quatenus ratione ducitur, quia eatenus ex causis quae per solam ejus naturam possunt adaequate intelligi ad agendum determinatur, tametsi ex iis necessario ad agendum determinetur. Nam libertas (ut Art. 7 hujus Cap. ostendimus) agendi necessitatem non tollit, sed ponit.

12. Fides alicui data, qua aliquis solis verbis pollicitus est se hoc aut illud facturum quod pro suo jure omittere poterat, vel contra, tamdiu rata manet, quamdiu ejus qui fidem dedit non mutatur voluntas. Nam qui potestatem habet solvendi fidem, is revera suo jure non cessit, sed verba tantum dedit. Si igitur ipse, qui naturae jure sui judex est, judicaverit, seu recte seu prave (nam errare humanum est), ex fide data plus damni quam utilitatis sequi, ex suae mentis sententia fidem solvendam esse censet, et naturae jure (per Art. 9 hujus Cap.) eandem solvet.

13. Si duo simul conveniant et vires jungant, plus simul possunt, et consequenter plus juris in naturam simul habent, quam uterque solus; et quo plures necessitudines sic junxerint suas, eo omnes simul plus juris habebunt.

14. Quatenus homines ira, invidia, aut aliquo odii affectu conflictantur, eatenus diverse trahuntur et invicem contrarii sunt, et propterea eo plus timendi quo plus possunt, magisque callidi et astuti sunt, quam

1. *NS heeft . . . verwonnen*, i.e. *devicit*.
15–16. *tametsi . . . determinetur* not in *NS*.
21. *NS om de belofte te voldoen*. Perhaps *niet* has fallen out of the text: cf. the note on p. 298, l. 3.
22. *NS die . . . zijns zelfs recht is*, i.e. *sui juris*.
25. *NS zo ontslaat hy zich daar af*, i.e. *solvit*.

bound him so closely by a service that he would rather please his benefactor than himself, and rather be guided by his benefactor's judgement than by his own. The man who has another in his power in the first or second way holds his body only, not his mind; whereas he who controls another in the third or fourth way has made the mind as well as the body of the other subject to his right; but only while the fear or hope remains. Once the one or the other has been removed, the second man is left in possession of his own right.

11. One man's power of judgement can be subject to the right of a second in another way: the first man may be the dupe of the second.[1] This means that the mind is fully possessed of its own right, or completely free, in so far as it can use reason correctly. Indeed, since human power must be judged by strength of mind rather than by vigour of body, it means that those whose reason is most powerful, and who are most guided thereby, are also most fully possessed of their own right. And this is why I call a man completely free in so far as he is guided by reason, for then he is determined to action by causes which can be understood adequately through his own nature alone.[2] But he is necessarily determined to action by them; for freedom (as I have shown in Section 7 of this Chapter) does not remove the necessity of acting, but imposes it.

12. When a man has given a pledge to somebody, and made a purely verbal promise to do something or other which he had the right to refrain from doing, or vice versa, his pledge remains valid only as long as his will does not change. For a man who has the power to break his pledge has not really surrendered his right, but has given words only. Thus he is still his own judge by the right of nature; so if he judges that his pledge is causing him more loss than gain—and it makes no difference whether he judges truly or falsely, for to err is human—then, since it is the verdict of his own judgement that he should break it, he will break it by the right of nature (Section 9 of this Chapter).[3]

13. If two men unite and join forces, then together they have more power, and consequently more right against other things in nature, than either alone; and the more there be that unite in this way, the more right will they collectively possess.

14. In so far as men are tormented by anger, envy, or any passion involving hatred, they are divided and at odds with one another; and are the more to be feared because they are more powerful, more cunning

[1] *TT-P* xx, p. 227.
[2] *E* iv, App. 2.
[3] *TT-P* xvi, pp. 129–31.

reliqua animalia. Et quia homines ut plurimum (ut in Art. 5 praec. Cap. diximus) his affectibus natura sunt obnoxii, sunt ergo homines ex natura hostes. Nam is mihi maximus hostis qui mihi maxime timendus, et a quo mihi maxime cavendum est.

15. Cum autem (per Art. 9 hujus Cap.) in statu naturali tamdiu unusquisque sui juris sit, quamdiu sibi cavere potest ne ab alio opprimatur, et unus solus frustra ab omnibus sibi cavere conetur, hinc sequitur, quamdiu jus humanum naturale uniuscujusque potentia determinatur, et uniuscujusque est, tamdiu nullum esse, sed magis opinione quam re constare, quandoquidem nulla ejus obtinendi est securitas. Et certum est unumquemque tanto minus posse, et consequenter tanto minus juris habere, quanto majorem timendi causam habet. His accedit quod homines vix absque mutuo auxilio vitam sustentare et mentem colere possint. Atque adeo concludimus jus naturae quod humani generis proprium est vix posse concipi nisi ubi homines jura habent communia, qui simul terras quas habitare et colere possunt sibi vindicare, seseque munire, vimque omnem repellere, et ex communi omnium sententia vivere possunt. Nam (per Art. 13 hujus Cap.) quo plures in unum sic conveniunt, eo omnes simul plus juris habent; et si Scholastici hac de causa, quod scilicet homines in statu naturali vix sui juris esse possunt, velint hominem animal sociale dicere, nihil habeo quod ipsis contradicam.

16. Ubi homines jura communia habent, omnesque una veluti mente ducuntur, certum est (per Art. 13 hujus Cap.) eorum unumquemque tanto minus habere juris quanto reliqui simul ipso potentiores sunt, hoc est, illum revera jus nullum in naturam habere praeter id quod ipsi commune concedit jus; caeterum quicquid ex communi consensu ipsi imperatur teneri exequi, vel (per Art. 4 hujus Cap.) jure ad id cogi.

17. Hoc jus, quod multitudinis potentia definitur, imperium appellari solet. Atque hoc is absolute tenet qui curam reipublicae ex

27. *OP concedit jus. Caeterum . . .; NS toestaat: en voorts . . .; L concedit jus, caeterum . . .*

and astute, than other creatures.[1] But men are by nature subject to these passions in the highest degree (as I said in Section 5 of the previous Chapter); so men are by nature enemies. For he is my greatest enemy whom I have most need to fear, and against whom I have most need to guard myself.

15. Now (by Section 9 of this Chapter) a man in the state of nature is possessed of his own right, or free, only as long as he can protect himself from being subjugated by others; and his own unaided power is insufficient to protect him against all. Hence human natural right or freedom is a nonentity as long as it is an individual possession determined by individual power; it exists in imagination rather than in fact, since there is no certainty of making it good. Nor can it be disputed that the more cause for fear an individual has, the less power he has, and in consequence the less right he has. Besides, it is hardly possible for men to maintain life and cultivate the mind without mutual help.[2] I therefore conclude that the right of nature peculiar to human beings can scarcely be conceived save where men hold rights as a body, and thus have the power to defend their possession of territories which they can inhabit and cultivate, to protect themselves, to repel all force, and to live in accordance with the common judgement of all. For (by Section 13 of this Chapter) the more men there be that unite in this way, the more right they collectively possess; and if it is because men in the state of nature can hardly be possessed of their own right that the Schoolmen wish to call man a social animal, I have nothing to say against them.[3]

16. Where men hold rights as a body, and are all guided as if by one mind, then, of course, (by Section 13 of this Chapter) each of them has the less right the more the rest together exceed him in power; that is, his only real right against other things in nature is what the corporate right allows him. In other matters he must carry out every command laid upon him by the common decision; or (by Section 4 of this Chapter) be compelled to do so by right.

17. This corporate right, which is defined by the power of a people, is generally called sovereignty, and is entirely vested in those who by

[1] *E* iv, App. 10.

[2] Although man acts *summo naturae jure* in the state of nature he can scarcely be said to be *sui juris*. Even if a strong and cunning individual evades control by others, and is thus *sui juris* as the term is defined in Section 9, he is not *omnino sui juris* as defined in Section 11, since his conduct is largely determined by fear of his fellow-men. Thus a life guided by reason, and therefore characteristically human (*TP* v, 5, p. 311), is possible only in a state. The state of nature, conceived by Hobbes as a state of human freedom, is the negation of human freedom in Spinoza's sense of the term.

[3] *E* iv, 35 Sch.

communi consensu habet, nempe jura statuendi, interpretandi, et abolendi, urbes muniendi, de bello et pace decernendi, etc. Quod si haec cura ad concilium pertineat quod ex communi multitudine componitur, tum imperium democratia appellatur; si autem ex quibusdam tantum selectis, aristocratia; et si denique reipublicae cura et consequenter imperium penes unum sit, tum monarchia appellatur.

18. Ex his quae in hoc Capite ostendimus perspicuum nobis fit in statu naturali non dari peccatum; vel, si quis peccat, is sibi, non alteri peccat: quandoquidem nemo jure naturae alteri, nisi velit, morem gerere tenetur, nec aliquid bonum aut malum habere, nisi quod ipse ex suo ingenio bonum aut malum esse decernit; et nihil absolute naturae jure prohibetur, nisi quod nemo potest. Vid. Art. 5 et 8 hujus Cap. At peccatum actio est quae jure fieri nequit. Quod si homines ex naturae instituto tenerentur ratione duci, tum omnes necessario ratione ducerentur. Nam naturae instituta Dei instituta sunt (per Art. 2 et 3 hujus Cap.), quae Deus eadem qua existit libertate instituit, quaeque adeo ex naturae divinae necessitate consequuntur (vide Art. 7 hujus Cap.), et consequenter aeterna sunt, nec violari possunt. Sed homines maxime appetitu sine ratione ducuntur, nec tamen naturae ordinem perturbant, sed necessario sequuntur; ac proinde ignarus et animo impotens non magis ex naturae jure tenetur vitam sapienter instituere quam aeger tenetur sano corpore esse.

19. Peccatum itaque non nisi in imperio concipi potest, ubi scilicet quid bonum et quid malum sit ex communi totius imperii jure decernitur, et ubi nemo (per Art. 16 hujus Cap.) jure quicquam agit, nisi quod ex communi decreto vel consensu agit. Id enim (ut in praec. Art. diximus) peccatum est quod jure fieri nequit, sive quod jure prohibetur; obsequium autem est constans voluntas id exequendi quod jure bonum est, et ex communi decreto fieri debet.

20. Solemus tamen id etiam peccatum appellare quod contra sanae rationis dictamen fit, et obsequium constantem voluntatem moderandi appetitus ex rationis praescripto; quod omnino probarem si humana libertas in appetitus licentia, et servitus in rationis imperio consisteret.

13–15. *NS indien de menschen . . . gehouden zijn . . . geleid te worden, zo zullen zy . . . geleid worden*, i.e. *tenentur . . . ducentur*.

20. *NS een achteloze*, glossed *ignavus*. *G* illustrates the corruption by reference to *E* iv, 70, where the Dutch translator has made the same mistake.

25. *OP Art. 6*, corrected to *Art. 16* in the list of Errata; *NS het zestiende Lid*.

common consent manage the affairs of state, i.e. who make, interpret, and repeal laws, fortify cities, take decisions about war and peace, and so on. If such functions belong to a general assembly of the people, then the state is called a democracy; if to a council composed of certain persons only, who have been chosen as members, it is called an aristocracy; and if, finally, the management of state affairs, and consequently the sovereignty, is vested in a single man, then it is called a monarchy.

18. What I have proved in this Chapter makes it clear that there is no sin in the state of nature;[1] or rather, that if anyone sins, it is against himself, and not against others.[2] For the law of nature obliges nobody to do the will of another unless he so desires; it obliges nobody to count anything good or bad save what he himself decides to be such in accordance with his own nature and judgement; and it forbids absolutely nothing that is within human power. See Sections 5 and 8 of this Chapter. But sin is action contrary to law. If the law of nature bound men to be guided by reason, they would all necessarily be guided by reason; for the laws of nature are the laws of God (by Sections 2 and 3 of this Chapter), established by God with the same freedom wherewith he exists; which means that they follow from the necessity of the divine nature (see Section 7 of this Chapter), and are thus eternal and inviolable. But in fact men are mainly guided by irrational appetite; yet they do not violate the order of nature, but necessarily conform to it. Hence the law of nature no more obliges an unenlightened and weak-minded man to order his life wisely than it obliges a sick man to have a healthy body.[3]

19. It follows that sin is inconceivable except in a state, where what is good and bad is determined by civil laws which are common to all, and where (by Section 16 of this Chapter) nobody has a right to do anything but what he does by the common decree or consent. For (as I said in the previous Section) sin is conduct contrary to law, or forbidden by law; while obedience is the steadfast will to do what the law declares to be good, and the common decree requires.

20. However, in common usage the word 'sin' is also applied to transgression of the dictate of sound reason, and the word 'obedience' to the steadfast will to control the appetites as reason prescribes. Now of this I should entirely approve if human freedom consisted in freedom of appetite, and human servitude in the rule of reason. But since the

[1] *TT-P* xvi, p. 143; *E* iv, 37 Sch. 2.
[2] For the sense in which a man can sin against himself see *TP* iv, 4–5, pp. 301–5.
[3] *TT-P* xvi, p. 127.

Sed quia humana libertas eo major est, quo homo magis ratione duci et appetitus moderari potest, non possumus, nisi admodum improprie, vitam rationalem vocare obsequium, et peccatum id quod revera mentis impotentia, non autem contra se ipsam licentia est, et per quod homo servus potius quam liber potest dici. Vide Art. 7 et 11 hujus Cap.

21. Verumenimvero, quia ratio pietatem exercere, et animo tranquillo et bono esse docet, quod non nisi in imperio fieri potest, et praeterea, quia fieri nequit ut multitudo una veluti mente ducatur, sicut in imperio requiritur, nisi jura habeat quae ex rationis praescripto instituta sint, non ergo adeo improprie homines qui in imperio vivere consueverunt id peccatum vocant quod contra rationis dictamen fit, quandoquidem optimi imperii jura ex rationis dictamine institui debent. Cur autem dixerim (Art. 18 hujus Cap.) hominem in statu naturali sibi peccare, si quid peccat, de hoc vide Cap. 4 Art. 4 et 5, ubi ostenditur quo sensu dicere possumus eum qui imperium tenet, et jure naturae potitur, legibus adstrictum esse et peccare posse.

22. Ad religionem quod attinet, certum etiam est hominem eo magis esse liberum, et sibi maxime obsequentem, quo Deum magis amat et animo magis integro colit. Verum quatenus non ad naturae ordinem, quem ignoramus, sed ad sola rationis dictamina quae religionem concernunt attendimus, et simul consideramus eadem nobis a Deo, quasi in nobis ipsis loquente, revelari, vel etiam haec eadem Prophetis veluti jura fuisse revelata, eatenus, more humano loquendo, dicimus hominem Deo obsequi qui ipsum integro animo amat, et contra peccare qui caeca cupiditate ducitur; sed interim memores esse debemus quod in Dei potestate sumus sicut lutum in potestate figuli, qui ex eadem massa alia vasa ad decus, alia ad dedecus facit; atque adeo quod homo contra haec Dei decreta quidem, quatenus in nostra vel in Prophetarum mente tanquam jura inscripta fuerunt, at non contra aeternum Dei decretum

1. *OP homo*; *NS zy*.

12. *OP* reads (*vide Art. 18 hujus Cap.*) between *jura* and *ex rationis dictamine*. *NS* has the same reference. But the laws of a good state are first mentioned in this section. I suppose that the reference stood between two lines in Spinoza's MS., and was wrongly incorporated in the upper as well as in the lower.

15. *OP possumus*; *B possimus*. But cf. p. 304, l. 3, *Videmus itaque quo sensu dicere possumus*, where *B* retains the original text.

18–19. *NS en oprechter van gemoed is.*

22–23. *NS of ook gelijk rechten door de Profeten geöpenbaart zijn.*

more man can be guided by reason and control his appetites, the greater human freedom is, we cannot without great impropriety call the rational life 'obedience',[1] and apply the word 'sin' to something which, far from involving a freedom of the mind to transgress its own dictates, is really a lack of mental power,[2] and gives us more warrant to call someone a slave than to call him a free man. See Sections 7 and 11 of this Chapter.

21. On the other hand, since reason teaches men to practise morality, and to be of a tranquil and friendly disposition, which is possible only in a state; and since, moreover, it is impossible for a people to be guided as if by one mind, as is required in a state, unless the state has laws that have been established in conformity with the precept of reason; men who are accustomed to living in a state commit no great impropriety in applying the word 'sin' to transgression of the dictate of reason, since in fact the laws of a good state must be based on the dictate of reason. As for my remark (in Section 18 of this Chapter) that a man in the state of nature sins against himself if he sins at all, the explanation of this will be found in Chapter 4 Sections 4 and 5, where it is shown in what sense we can say that the man who holds sovereign power, and is possessed of the right of nature, is bound by laws and capable of doing wrong.

22. Similarly, as regards religion, the more a man loves God, and the sounder the mind with which he worships him, the more free he is, and the more completely he obeys himself.[3] No doubt when we disregard the unknown ways in which things are connected in the system of nature, and, confining our attention to the dictates of reason which concern religion, regard them as revealed to us by the voice of God in our own hearts, or, indeed, as revealed to the Prophets in the form of laws; then, speaking in the manner of men, we say that a man 'obeys' God when he loves him with a sound mind, and 'sins' when he is led by blind desire.[4] But we must always remember that we are in the power of God like clay in the power of the potter, who from the same lump makes some vessels for honourable, and others for dishonourable use;[5] and hence that, although a man *can* transgress the decrees of God which have been written as laws upon *our* minds or the minds of the Prophets, he can in no wise transgress the eternal decree of God which

[1] *TT-P*, n. 34, pp. 247–9.

[2] *Ep.* xix.

[3] Just as the life of reason is not obedience, so the life of true religion (as opposed to that of faith) is not obedience either; and consequently failure to live these lives is not disobedience.

[4] Hobbes holds that men can sin against God in the state of nature (*De Cive* i, 10, n.).

[5] *Romans* 9, 21, quoted also in *TT-P*, n. 34, p. 247; *Epp.* lxxv and lxxviii.

quod in universa natura inscriptum est, quodque totius naturae ordinem respicit, quicquam agere potest.

23. Ut itaque peccatum et obsequium stricte sumptum, sic etiam justitia et injustitia non nisi in imperio possunt concipi. Nam nihil in natura datur quod jure posset dici hujus esse et non alterius; sed omnia omnium sunt, qui scilicet potestatem habent sibi eadem vindicandi. At in imperio, ubi communi jure decernitur quid hujus quidque illius sit, ille justus vocatur, cui constans est voluntas tribuendi unicuique suum; injustus autem, qui contra conatur id quod alterius est suum facere.

24. Caeterum laudem et vituperium affectus esse laetitiae et tristitiae, quos comitatur idea virtutis aut impotentiae humanae tanquam causa, explicuimus in nostra Ethica.

6. *Gf vindicandi; OP vendicandi.*

is written upon universal nature, and which has regard to the system of nature as a whole.[1]

23. Like sin and obedience in the strict sense, justice and injustice are inconceivable except in a state. For there is nothing in nature which could rightly be said to belong to one man and not to another; all things belong to all, to all, that is, who have the power to appropriate them for themselves.[2] But in a state, where the property of each individual is determined by common laws, a man is called just if he has a steadfast will to give everyone his own; unjust if he seeks to appropriate what belongs to another.

24. As for praise and blame, I have explained in my Ethics that they are feelings of joy and sorrow accompanied by the idea of human virtue or weakness as a cause.[3]

[1] See *TT-P*, n. 34, pp. 247–9. Men cannot break God's laws, and therefore cannot sin against God; God, in fact, is not a king who lays down laws which men can break (*TT-P* iv, pp. 77–83; *KV* ii, 24; *E* ii, 3 Sch.).

[2] *E* iv, 37 Sch. 2.

[3] The definitions given in *E* iii, 29 Sch. are different.

## CAPUT III

1. Imperii cujuscunque status dicitur civilis; imperii autem integrum corpus civitas appellatur, et communia imperii negotia, quae ab ejus qui imperium tenet directione pendent, respublica. Deinde homines quatenus ex jure civili omnibus civitatis commodis gaudent cives appellamus, et subditos quatenus civitatis institutis seu legibus parere tenentur. Denique status civilis tria dari genera, nempe democraticum, aristocraticum, et monarchicum, in Art. 17 Cap. praeced. diximus. Jam antequam de unoquoque seorsim agere incipiam, illa prius demonstrabo quae ad statum civilem in genere pertinent; quorum ante omnia considerandum venit summum civitatis seu summarum potestatum jus.

2. Ex Art. 15 praeced. Cap. patet imperii seu summarum potestatum jus nihil esse praeter ipsum naturae jus, quod potentia, non quidem uniuscujusque, sed multitudinis quae una veluti mente ducitur determinatur; hoc est, quod ut unusquisque in statu naturali, sic etiam totius imperii corpus et mens tantum juris habet quantum potentia valet; atque adeo unusquisque civis seu subditus tanto minus juris habet, quanto ipsa civitas ipso potentior est (vid. Art. 16 praeced. Cap.), et consequenter unusquisque civis nihil jure agit nec habet praeter id quod communi civitatis decreto defendere potest.

3. Si civitas alicui concedat jus, et consequenter potestatem (nam alias per Art. 12 praeced. Cap. verba tantum dedit) vivendi ex suo ingenio, eo ipso suo jure cedit, et in eum transfert cui talem potestatem dedit. Si autem duobus aut pluribus hanc potestatem dedit, ut scilicet unusquisque ex suo ingenio vivat, eo ipso imperium divisit; et si denique unicuique civium hanc eandem potestatem dedit, eo ipso sese destruxit, nec manet amplius civitas, sed redeunt omnia ad statum naturalem; quae omnia ex praecedentibus manifestissima fiunt. Atque adeo sequitur nulla ratione posse concipi quod unicuique civi ex civitatis instituto liceat ex suo ingenio vivere, et consequenter hoc jus

6. *OP dari*, altered to *dantur* in the list of Errata. But this change makes it necessary to insert *ut* before *in Art. 17*. The reading of *NS*, *gelijk wy . . . getoont hebben*, cannot be regarded as supporting these alterations, since it is not uncommon for the Dutch translator to render an accusative and infinitive construction in this way. Cf. p. 394, l. 8, where *quod neminem ignorare credo* is rendered by *daar af, gelijk ik geloof, niemant onkundig is.*

14. *Gf quod ut unusquisque*; *OP quod unusquisque. NS dat is, gelijk yder in de naturelijke stant, zo . . . ook.* Hence *L ut unusquisque* (omitting *quod*). *G quod sicuti unusquisque*, on the analogy of the passage on p. 288, ll. 23–26.

14–15. *NS het geheel lighaam, en de ziel van de Heerschappy*, i.e. *totum.*

17–18. *NS en by gevolg heeft yder Burger geen ander recht.*

# CHAPTER III

1. The order maintained by any state is called political. When considered as a complete body, a state is called a commonwealth; and its common activities, which are directed by the holder of sovereignty, are called affairs of state. Again, I call men citizens in so far as they enjoy all the advantages of the commonwealth by civil right; and subjects in so far as they are bound to obey the ordinances or laws of the commonwealth. Finally, as I said in Section 17 of the previous Chapter, there are three kinds of political order, viz. democracy, aristocracy, and monarchy. But before starting to deal with each separately I shall establish the essential features of political order in general; and of these the supreme right of the commonwealth or of the sovereign must be considered first.

2. It is clear from Section 15 of the previous Chapter that the right of the state or of the sovereign is nothing but the right of nature itself, and as such determined by power; not however by the power of a single individual, but by that of a people which is guided as if by one mind. In other words, it is clear that what is true of each man in the state of nature is true likewise of the body and mind of the whole state—it has as much right as it has power and strength. Hence the more the commonwealth exceeds a citizen or subject in power, the less right he has[1] (see Section 16 of the previous Chapter); and consequently a citizen does nothing and possesses nothing by right unless he can defend it by the common decree of the commonwealth.

3. If a commonwealth gives anyone the right to live as his own judgement dictates, and consequently the power to do so (for otherwise, by Section 12 of the previous Chapter, it gives words only), it thereby surrenders its own right, and vests it in the man to whom it gives such power. If it gives this power to two men or more, and allows each of them to live in accordance with his own judgement, it thereby divides the sovereignty; and if, finally, it gives this same power to each of its citizens, it thereby destroys itself; it ceases to be a commonwealth, and everything reverts to the state of nature. All this emerges very clearly from what has been said above. It is therefore quite inconceivable that every citizen should be allowed by a law of the commonwealth to live as his own judgement dictates; accordingly, the natural

[1] *Ep.* 1. Cf. Rousseau, *Social Contract* iii, 1.

naturale, quod scilicet unusquisque sui judex est, in statu civili necessario cessat. Dico expresse *ex civitatis instituto*; nam jus naturae uniuscujusque (si recte rem perpendamus) in statu civili non cessat. Homo namque tam in statu naturali quam civili ex legibus suae naturae agit suaeque utilitati consulit. Homo, inquam, in utroque statu spe aut metu ducitur ad hoc aut illud agendum vel omittendum; sed praecipua inter utrumque statum differentia est, quod in statu civili omnes eadem metuant, et omnibus una eademque securitatis sit causa et vivendi ratio; quod sane judicandi facultatem uniuscujusque non tollit. Qui enim omnibus civitatis mandatis obtemperare constituit, sive ejus potentiam metuit, vel quia tranquillitatem amat, is profecto suae securitati suaeque utilitati ex suo ingenio consulit.

4. Praeterea concipere etiam non possumus quod unicuique civi liceat civitatis decreta seu jura interpretari. Nam si hoc unicuique liceret, eo ipso sui judex esset; quandoquidem unusquisque facta sua specie juris nullo negotio excusare seu adornare posset, et consequenter ex suo ingenio vitam institueret; quod (per Art. praeced.) est absurdum.

5. Videmus itaque unumquemque civem non sui sed civitatis juris esse, cujus omnia mandata tenetur exequi, nec ullum habere jus decernendi quid aequum, quid iniquum, quid pium, quidve impium sit: sed contra, quia imperii corpus una veluti mente duci debet, et consequenter civitatis voluntas pro omnium voluntate habenda est, id quod civitas justum et bonum esse decernit tanquam ab unoquoque decretum esse censendum est; atque adeo, quamvis subditus civitatis decreta iniqua esse censeat, tenetur nihilominus eadem exequi.

6. At objici potest: an non contra rationis dictamen est se alterius judicio omnino subjicere? Et consequenter, an status civilis rationi non

10–11. *NS of om dat hy der zelfder macht vreest*, which suggests *sive quod* or *sive quia*.
22. *NS voor die van alle in 't gemeen*, i.e. *pro communi omnium voluntate*.

right of every man to be his own judge necessarily ceases in the political order. I say 'by a law of the commonwealth' expressly;[1] for, as proper consideration of the point will show, the individual's right of nature does not cease in the political order. The fact is that man acts in accordance with the laws of his own nature and pursues his own advantage in both the natural and the political order. In both conditions, I say, man is led by hope or fear either to do or to refrain from doing one thing or another. The chief difference between the two is that in the political order all fear the same things, and all have one and the same source of security, one and the same mode of life; but this, of course, does not deprive the individual of his power of judgement. For the man who decides to obey all the commands of the commonwealth, whether through fear of its power, or because he loves tranquillity, is certainly pursuing his own security and advantage in accordance with his own judgement.

4. It is also inconceivable that every citizen should be permitted to interpret the commonwealth's decrees or laws. For if everyone were permitted to do this, he would thereby be his own judge, since he could easily excuse or adorn his actions with a show of legality. He would thus arrange his life in accordance with his own judgement; and this (by the previous Section) is absurd.

5. It is clear, then, that a citizen is not in possession of his own right, but is subject to the right of the commonwealth, and is bound to carry out every one of its commands; clear also that he has no right to decide what is fair or unfair, moral or immoral.[2] On the contrary, since the body of the state must be guided as if by one mind,[3] and, in consequence, the will of the commonwealth be taken for the will of all, what the commonwealth decides to be just and good must be regarded as having been so decided by every citizen. Thus, no matter how unfair a subject considers the decrees of the commonwealth to be, he is bound to carry them out.

6. It may be objected that it is contrary to the dictate of reason for one man to subject himself entirely to the jurisdiction of another, and that the political order is therefore contrary to reason. This would

[1] Spinoza stresses these words because without them the previous sentence is false. We *can* conceive every citizen in a commonwealth being allowed to live as his own judgement dictates: every citizen does in fact live as his own judgement dictates in so far as he obeys the civil laws because he thinks it in his own interest to do so. What *is* inconceivable is a law of the commonwealth exempting citizens from obedience to law.

[2] Hobbes, *De Cive* xii, 1.

[3] Cf. Tacitus, *Annals* 1, xii, 4: *unum esse rei publicae corpus atque unius animo regendum.*

repugnat? Ex quo sequeretur statum civilem irrationalem esse, nec posse creari nisi ab hominibus ratione destitutis, at minime ab iis qui ratione ducuntur. Sed quoniam ratio nihil contra naturam docet, non potest ergo sana ratio dictare ut unusquisque sui juris maneat quamdiu homines affectibus sunt obnoxii (per Art. 5 Cap. 1), hoc est, (per Art. 15 praeced. Cap.) ratio hoc posse fieri negat. Adde quod ratio omnino docet pacem quaerere, quae quidem obtineri nequit nisi communia civitatis jura inviolata serventur; atque adeo, quo homo ratione magis ducitur, hoc est (per Art. 11 praeced. Cap.), quo magis liber est, eo constantius civitatis jura servabit, et summae potestatis cujus subditus est mandata exequetur. Ad quod accedit quod status civilis naturaliter instituitur ad metum communem adimendum et communes miserias propellendum, ac proinde id maxime intendit quod unusquisque qui ratione ducitur in statu naturali conaretur; sed frustra (per Art. 15 praeced. Cap.). Quapropter si homini qui ratione ducitur id aliquando ex civitatis mandato faciendum est quod rationi repugnare novit, id damnum longe compensatur bono quod ex ipso statu civili haurit: nam rationis etiam lex est ut ex duobus malis minus eligatur. Ac proinde concludere possumus neminem quicquam contra suae rationis praescriptum agere quatenus id agit quod jure civitatis faciendum est: quod nobis facilius unusquisque concedet, postquam explicuerimus quo usque civitatis potentia, et consequenter jus, se extendit.

7. Nam considerandum primum venit quod sicuti in statu naturali (per Art. 11 praeced. Cap.) ille homo maxime potens maximeque sui juris est qui ratione ducitur, sic etiam illa civitas maxime erit potens et maxime sui juris quae ratione fundatur et dirigitur. Nam civitatis jus potentia multitudinis quae una veluti mente ducitur determinatur. At haec animorum unio concipi nulla ratione posset, nisi civitas id ipsum maxime intendat quod sana ratio omnibus hominibus utile esse docet.

8. Secundo venit etiam considerandum quod subditi eatenus non sui sed civitatis juris sint, quatenus ejus potentiam seu minas metuunt, vel quatenus statum civilem amant (per Art. 10 praeced. Cap.). Ex quo sequitur quod ea omnia ad quae agenda nemo praemiis aut minis induci potest ad jura civitatis non pertineant. Ex. gr. judicandi facultate nemo

5–6. *OP* (*per Art. 15 praeced. Cap.*) *hoc est*, (*per Art. 5 Cap. 1*) etc. So *NS*.
28. *Gf At haec*; *NS En deze verëeniging . . .*, i.e. *Ac haec*; *OP Adhaec*.

mean that the political order was irrational, and could be instituted only by men bereft of reason, not by men who were guided by it. However, since reason teaches nothing contrary to nature, it follows that, as long as men are subject to passions (by Section 5, Chapter 1), sound reason cannot dictate that everyone should retain his own right; i.e. reason says that this is impossible (by Section 15 of the previous Chapter). Secondly, the whole teaching of reason is that men should seek peace. But peace cannot be achieved unless the general laws of the state are kept inviolate; and so the more a man is guided by reason, i.e. (by Section 11 of the previous Chapter) the more free he is, the more steadfastly will he observe the laws of the state and carry out his sovereign's commands.[1] Finally, the political order is naturally established to remove general fear and to dispel general suffering, and thus its chief aim is one which every rational man would try to promote in the state of nature; though his efforts in that state would be useless (by Section 15 of the previous Chapter). Hence if the rational man has sometimes, by order of the commonwealth, to do what he knows to be opposed to reason, this inconvenience is far outweighed by the advantage which he derives from the actual existence of the political order:[2] reason, we must remember, also bids us choose the lesser evil.[3] We may therefore conclude that no one does anything contrary to the precept of his reason in doing what the law of the commonwealth requires. But everyone will grant this more readily once I have explained how far the power, and consequently the right, of the commonwealth extends.

7. The first point to be considered is this. Just as in the state of nature the man who is guided by reason is most powerful and most fully possessed of his own right (by Section 11 of the previous Chapter), so also the commonwealth which is based on and directed by reason will be most powerful and most fully possessed of its own right. For the right of a commonwealth is determined by the power of a people guided as if by one mind; but this union of minds is quite inconceivable unless the commonwealth does its best to achieve those conditions which sound reason declares to be for the good of all men.

8. In the second place, we must remember that subjects are under the control of the commonwealth, and not possessed of their own right, only in so far as they fear its power or its threats, or in so far as they love the political order (by Section 10 of the previous Chapter). It follows that all actions which no one can be induced to do by rewards or threats fall outside the right of the commonwealth. For example, nobody

[1] *TT-P*, n. 33, p. 247.

[2] Hobbes, *De Cive* x, 1.

[3] *E* iv, 65.

cedere potest: quibus enim praemiis aut minis induci potest homo ut credat totum non esse sua parte majus, aut quod Deus non existat, aut quod corpus quod videt finitum ens infinitum esse credat, et absolute ut aliquid contra id quod sentit vel cogitat credat? Sic etiam quibus praemiis aut minis induci potest homo ut amet quem odit, vel ut odio habeat quem amat? Atque huc etiam illa referenda sunt, a quibus humana natura ita abhorret ut ipsa omni malo pejora habeat, ut quod homo testem contra se agat, ut se cruciet, ut parentes interficiat suos, ut mortem vitare non conetur, et similia, ad quae nemo praemiis nec minis induci potest. Quod si tamen dicere velimus civitatem jus sive potestatem habere talia imperandi, id nullo alio sensu poterimus concipere, nisi quo quis diceret hominem jure posse insanire et delirare: quid enim aliud nisi delirium jus illud esset, cui nemo adstrictus esse potest? Atque hic de iis expresse loquor quae juris civitatis esse neque-unt, et a quibus natura humana plerumque abhorret. Nam quod stultus aut vesanus nullis praemiis neque minis induci possit ad exequenda mandata, et quod unus aut alter, ex eo quod huic aut illi religioni addictus sit, imperii jura omni malo pejora judicat, jura tamen civitatis irrita non sunt, quandoquidem iisdem plerique cives continentur; ac proinde, quia ii qui nihil timent neque sperant eatenus sui juris sunt (per Art. 10 praeced. Cap.), sunt ergo (per Art. 14 praeced. Cap.) imperii hostes, quos jure cohibere licet.

9. Tertio denique considerandum venit ad civitatis jus ea minus pertinere quae plurimi indignantur. Nam certum est homines naturae ductu in unum conspirare, vel propter communem metum, vel desiderio damnum aliquod commune ulciscendi; et quia jus civitatis communi multitudinis potentia definitur, certum est potentiam civitatis et jus eatenus minui, quatenus ipsa causas praebet ut plures in unum conspirent. Habet certe civitas quaedam sibi metuenda, et sicut

1. *NS overgeven*; *B credere*. 18. *Gf judicet*.

can give up his power of judgement;[1] for by what rewards or threats can a man be led to believe that a whole is no greater than its part, or that God does not exist, or that a body which he sees to be finite is an infinite being;[2] and, in general, to believe anything contrary to what he perceives or thinks? Similarly, by what rewards or threats can a man be induced to love someone he hates, or to hate someone he loves? Among such actions we must also include those which are so repugnant to human nature that it considers them the worst of all evils; for example, bearing witness against oneself, torturing oneself, killing one's own parents, making no attempt to avoid death, and things of that sort, which no man can be induced by rewards or threats to do.[3] If we still wish to say that a commonwealth has the right or power to command such actions, we shall find it impossible to conceive of this right in any other sense than that in which it might be said that a man has a right to be a raving lunatic: for what else but raving lunacy would such a right be, when nobody can be bound by it? I am here speaking expressly of those actions which cannot fall under the right of the commonwealth, and which are repugnant to ordinary human nature. No doubt fools and madmen cannot be induced to carry out commands by any reward or threat; no doubt devotion to some religious faith may lead one or two men to regard the laws of the state as the worst of all evils.[4] But this does not invalidate these laws, since most of the citizens are bound by them. It follows that, since those who have neither hopes nor fears are to that extent in possession of their own right (by Section 10 of the previous Chapter), they are enemies of the state (by Section 14 of the previous Chapter), and the state may restrain them by right.

9. My third and final point is that commands which arouse the indignation of a great number of subjects hardly fall within the right of the commonwealth. It is, of course, natural for men to conspire together, either through common fear, or desire to avenge some common injury; and since the right of a commonwealth is determined by the collective power of a people,[5] the greater the number of subjects who are given cause by a commonwealth to join in conspiracy against it, the more must its power and right be diminished. A commonwealth has certainly dangers to fear, and what is true of each citizen, or of each

[1] *TT-P* vii, p. 109, and xx, p. 229.

[2] *Ep.* lxxiii (the reference to the Incarnation).

[3] Hobbes, *De Cive* ii, 18–19 and vi, 13. But Hobbes does not deny the sovereign the right to command such actions; he merely allows the subject the right to refuse obedience.

[4] Spinoza may be thinking of the Mennonites, who were conscientious objectors.

[5] Hobbes, *De Cive* vi, 18.

unusquisque civis, sive homo in statu naturali, sic civitas eo minus sui juris est, quo majorem timendi causam habet. Atque haec de jure summarum potestatum in subditos: jam antequam de earundem in alios jure agam, solvenda videtur quaestio quae de religione moveri solet.

10. Nam objici nobis potest an status civilis, et subditorum obedientia qualem in statu civili requiri ostendimus, non tollat religionem qua Deum colere tenemur. Sed si rem ipsam perpendamus, nihil reperiemus quod possit scrupulum injicere. Mens enim, quatenus ratione utitur, non summarum potestatum sed sui juris est (per Art. 11 Cap. praeced.). Atque adeo vera Dei cognitio et amor nullius imperio subjici potest, ut nec erga proximum charitas (per Art. 8 hujus Cap.); et si praeterea consideremus summum charitatis exercitium esse illud quod ad pacem tuendam et concordiam conciliandam fit, non dubitabimus illum revera suo officio functum esse, qui unicuique tantum auxilii fert quantum jura civitatis, hoc est, concordia et tranquillitas, concedunt. Ad externos cultus quod attinet, certum est illos ad veram Dei cognitionem, et amorem qui ex ea necessario sequitur, nihil prorsus juvare nec nocere posse; atque adeo non tanti faciendi sunt ut propter ipsos pax et tranquillitas publica perturbari mereatur. Caeterum certum est me jure naturae, hoc est (per Art. 3 praec. Cap.) ex divino decreto, non esse religionis vindicem. Nam nulla mihi est, ut olim Christi Discipulis, potestas ejiciendi spiritus immundos et faciendi miracula; quae sane potestas adeo necessaria est ad propagandam religionem in locis ubi interdicta est, ut sine ipsa non tantum oleum et opera, ut ajunt, perdatur, sed plurimae insuper creentur molestiae. Cujus rei funestissima exempla omnia viderunt saecula. Unusquisque igitur, ubicunque sit, Deum potest vera religione colere, sibique prospicere, quod viri privati officium est. Caeterum cura religionis propagandae Deo vel summis potestatibus, quibus solis incumbit reipublicae habere curam, committenda est. Sed ad propositum revertor.

6. *OP qualis*, corrected to *qualem* in the list of Errata.

19. *OP merentur*, corrected to *mereatur* in the list of Errata.

21–22. *OP ut olim Christi Discipulis potestas fuit, ejiciendi.* But the order and punctuation are awkward, and *NS* reads *want ik heb niet, gelijk eertijts Christus Leerlingen, de macht.* Hence *L ut olim Christi Discipulis fuit, potestas ejiciendi.* But *fuit* is really superfluous.

man in the state of nature, is true of a commonwealth also; the greater cause for fear it has, the less is it possessed of its own right. So much for the right of sovereigns against subjects. Before dealing with their right against others I had better remove a difficulty which is usually raised concerning religion.

10. The objection is that the political order, and such obedience as I have shown to be required of subjects in that order, does away with religion and our duty to worship God.[1] However, if we consider the actual facts, we shall find nothing which can give rise to any misgiving. For in so far as the mind uses reason, it is not subject to the right of the sovereign, but in possession of its own right (by Section 11 of the previous Chapter). Hence true knowledge and love of God cannot be subject to anyone's command,[2] any more than love of one's neighbour (by Section 8 of this Chapter). And if we also remember that love finds its supreme expression when directed to the preservation of peace and the promotion of concord,[3] we shall have no doubt that a man truly does his duty if he gives everyone as much help as is consistent with the laws of the commonwealth, i.e. with peace and concord. As for outward rites, we may take it as certain that they cannot help or hinder a man at all in reaching true knowledge of God,[4] and the love of him which is its necessary consequence;[5] hence they are not to be esteemed of such importance as to justify a breach of the public peace and quiet. But of course I am not by right of nature, i.e. (by Section 3 of the previous Chapter) by divine decree, a champion of religion. For I have no power, such as once belonged to Christ's Disciples, to cast out unclean spirits and work miracles;[6] and this power is obviously so indispensable for the propagation of a religion in places where it is proscribed, that without it men not only lose their labour, as the saying is, but provoke a host of troubles into the bargain. Of this every age has seen the most melancholy examples. Each man, then, wherever he may be, can worship God with true piety, and take care of himself; and that is the duty of a private individual. The duty of propagating religion should be left to God or to the sovereign, on whom alone the charge of public affairs is laid. But I must return to my subject.

[1] *TT-P* xvi, pp. 145–7.

[2] Spinoza, of course, is speaking of 'inward religion' (*TT-P* vii, p. 109, and xix, p. 205); 'outward religion' is under the control of the sovereign (*TT-P* xix, pp. 205–25).

[3] *TT-P* xix, pp. 211–13. [4] *TT-P* v, p. 99. [5] *TT-P* n. 34, pp. 247–9.

[6] *TT-P* xix, p. 215. Miracles, in the sense of events contrary to the laws of nature, are rejected by Spinoza (*TT-P* vi), but he would no doubt credit the Apostles with unusual powers.

11. Jure summarum potestatum in cives, et subditorum officio explicato, superest ut earum jus in reliqua consideremus; quod jam ex dictis facile cognoscitur. Nam quandoquidem (per Art. 2 hujus Cap.) jus summae potestatis nihil est praeter ipsum naturae jus, sequitur duo imperia ad invicem sese habere ut duo homines in statu naturali, excepto hoc, quod civitas sibi cavere potest ne ab alia opprimatur, quod homo in statu naturali non potest; nimirum qui quotidie somno, saepe morbo aut animi aegritudine, et tandem senectute gravatur, et praeter haec aliis incommodis est obnoxius a quibus civitas securam se reddere potest.

12. Civitas igitur eatenus sui juris est, quatenus sibi consulere et cavere potest ne ab alia opprimatur (per Art. 9 et 15 praec. Cap.), et (per Art. 10 et 15 praec. Cap.) eatenus alterius juris, quatenus alterius civitatis potentiam timet, vel quatenus ab ea impeditur quo minus id quod vult exequatur, vel denique quatenus ipsius auxilio ad sui conservationem vel incrementum indiget; nam dubitare nequaquam possumus quin, si duae civitates invicem mutuum auxilium praestare volunt, ambae simul plus possint, et consequenter plus juris simul habeant quam alterutra sola. Vid. Art. 13 Cap. praec.

13. Haec autem clarius intelligi possunt, si consideremus quod duae civitates natura hostes sunt: homines enim (per Art. 14 praec. Cap.) in statu naturali hostes sunt; qui igitur jus naturae extra civitatem retinent, hostes manent. Si itaque altera civitas alteri bellum inferre et extrema adhibere media velit quo eam sui juris faciat, id ei jure tentare licet, quandoquidem, ut bellum geratur, ei sufficit ejus rei habere voluntatem. At de pace nihil statuere potest nisi connivente alterius civitatis voluntate. Ex quo sequitur jura belli uniuscujusque civitatis esse; pacis autem non unius, sed duarum ad minimum civitatum esse jura, quae propterea confoederatae dicuntur.

14. Hoc foedus tamdiu fixum manet, quamdiu causa foederis pangendi, nempe metus damni seu lucri spes, in medio est; hac autem aut illo civitatum alterutri adempto, manet ipsa sui juris (per Art. 10

9. *est obnoxius* not in *NS*.

31–32. *NS Maar als d' oorzaak of het verbont*, wrongly referring *hac* to *causa* and *illo* to *foedus*.

## *Chapter III*

11. Now that I have explained the right of the sovereign over citizens, and the duty of subjects, it remains to consider its right against the rest of the world; and in the light of what I have said above this is easily understood. For since (by Section 2 of this Chapter) the right of the sovereign is simply the right of nature itself, two states are in the same relation to one another as two men in the condition of nature; with this exception, that a commonwealth can guard itself against being subjugated by another, as a man in the state of nature cannot do. For, of course, a man is overcome by sleep every day, is often afflicted by disease of body or mind, and is finally prostrated by old age; in addition, he is subject to other troubles against which a commonwealth can make itself secure.[1]

12. A commonwealth, then, is possessed of its own right in so far as it can guard and protect itself against being subjugated by another (by Sections 9 and 15 of the previous Chapter): and (by Sections 10 and 15 of the previous Chapter) subject to the right of another in so far as it fears the power of the other commonwealth, or is prevented by it from doing what it wants, or, finally, requires the help of the other for its own preservation or growth. For if two commonwealths wish to give each other such mutual help, their combined power, and therefore their combined right, is obviously greater than the power and right of either by itself. See Section 13 of the previous Chapter.

13. All this can be understood more clearly if we reflect that two commonwealths are enemies by nature. For men in the state of nature are enemies (by Section 14 of the previous Chapter); and so all who retain the right of nature, and are not united in a single commonwealth, remain enemies. If, therefore, one commonwealth wishes to attack another and to use extreme measures in order to make it subject, it has the right to attempt this, since all it needs to wage war by right is the will to wage war. But any arrangement for peace requires the voluntary co-operation of the other commonwealth.[2] It follows that, whereas the right to make war belongs to each commonwealth separately, the right to maintain peaceful relations does not belong to one commonwealth, but to two or more commonwealths acting in concert. Such commonwealths are therefore said to be allies.

14. Their treaty of alliance remains in force as long as the motive for making it, i.e. fear of loss or hope of gain, continues to hold good; but as soon as either commonwealth loses its fear or hope it is left in

[1] Because of this difference commonwealths have less need to combine than individual men.

[2] It takes one to make a quarrel, but two to make peace.

praec. Cap.), et vinculum quo civitates invicem adstrictae erant sponte solvitur. Ac proinde unicuique civitati jus integrum est solvendi foedus quandocunque vult, nec dici potest quod dolo vel perfidia agat propterea quod fidem solvit simulatque metus vel spei causa sublata est; quia haec conditio unicuique contrahentium aequalis fuit, ut scilicet quae prima extra metum esse posset, sui juris esset, eoque ex sui animi sententia uteretur: et praeterea quia nemo in futurum contrahit nisi positis praecedentibus circumstantiis; his autem mutatis totius status etiam mutatur ratio. Et hac de causa unaquaeque confoederatarum civitatum jus retinet sibi consulendi, et unaquaeque propterea quantum potest conatur extra metum, et consequenter sui juris esse, et impedire quo minus altera potentior evadat. Si quae ergo civitas se deceptam esse queritur, ea sane non confoederatae civitatis fidem, sed suam tantummodo stultitiam damnare potest, quod scilicet salutem suam alteri, qui sui juris, et cui sui imperii salus summa lex est, crediderit.

15. Civitatibus quae una pacem contraxerunt jus competit dirimendi quaestiones quae moveri possunt de pacis conditionibus seu legibus quibus sibi invicem fidem adstrinxerunt, quandoquidem pacis jura non unius civitatis, sed contrahentium simul sunt (per Art. 13 hujus Cap.); quod si de iis convenire inter ipsas non potest, eo ipso ad belli statum redeunt.

16. Quo plures civitates simul pacem contrahunt, eo unaquaeque reliquis minus timenda, sive unicuique minor est potestas bellum inferendi; sed eo magis pacis tenetur conditiones servare, hoc est (per Art. 13 hujus Cap.), eo minus sui juris est, sed eo magis communi foederatorum voluntati sese accommodare tenetur.

17. Caeterum fides, quam sana ratio et religio servandam docet, hic minime tollitur: nam nec ratio nec Scriptura omnem datam fidem servare docet. Cui enim pollicitus sum argentum ex. gr. quod mihi secreto servandum dedit custodire, fidem praestare non teneor simulac noverim, aut scire crediderim, furtum esse quod mihi servandum dedit; sed rectius agam si dem operam ut suis restituatur. Sic etiam, si summa

7–8. *NS't en zy de tegenwoordige omstandigheden plaats behouden*, which suggests *praesentibus circumstantiis*.

13. *Gf queritur*; *NS klaagt*; *OP quaeritur*.

14–15. *NS aan een ander, die zijn eige recht en macht heeft*. But the correct reading may be *quae*.

20. *G possunt*. But in vi, 25 (p. 326, ll. 22–23), *si . . . inter ipsos convenire non poterit*, and vii, 30 (p. 362, l. 2), *non satis inter eosdem conveniebat*, *G* retains the text of *OP*. *NS* has the personal construction in all three cases.

20–21. *NS zo neemt men daar door terstont zijn toevlucht weêr tot d' oorlog*, i.e. *ad bellum statim redeunt*.

26. *NS der Bontgenoten*, glossed *Confaederati*. Hence *G confoederatorum*. But see p. 45, n. 7.

possession of its own right (by Section 10 of the previous Chapter), and the tie which bound the commonwealths together breaks of its own accord. Hence each of them has full right to break the treaty whenever it wishes, and cannot be accused of treachery or perfidy because it breaks faith as soon as its reason for fear or hope is removed.[1] For in this respect each contracting party was on precisely the same footing; if it could be the first to free itself from fear it would gain possession of its own right, and would use it as its own judgement dictated. Besides, nobody makes a contract for the future except under given conditions; and once these change, the reason for the whole arrangement changes as well. So each of the allied commonwealths retains the right to look after itself, and each accordingly does its utmost not only to gain possession of its own right by freeing itself from fear, but also to prevent the other from becoming too powerful. Hence if a commonwealth complains that it has been duped, it certainly cannot blame the bad faith of its ally, but only its own folly in entrusting its safety to a foreign ruler who is possessed of his own right, and has no higher law than the safety of his own realm.[2]

15. The commonwealths which have made peace with one another have the right to settle disputes which may arise concerning the conditions or rules of peace by which they have sealed their alliance, since rights concerning peace do not belong to one commonwealth only, but to the contracting parties in common (by Section 13 of this Chapter). If, however, it proves impossible for them to agree about such matters, they automatically revert to a state of war.

16. The greater the number of commonwealths that make a treaty of peace together, the less is each to be feared by the rest, or, if you like, the less power each has of making war on the rest; each is more strictly bound to observe the conditions of peace, i.e. (by Section 13 of this Chapter) it is less in possession of its own right, and more obliged to comply with the common will of the allies.

17. I should add that these arguments imply no rejection of the good faith which sound reason and religion enjoin, for neither reason nor scripture bids men keep every promise they have made. I may, for example, have promised someone to look after money which he has given me to keep for him in secret; but as soon as I know, or think I know, that he has entrusted me with stolen money, I am no longer bound to keep my promise to him, and shall act more honestly if I try to restore the money to its owners. Similarly, if one sovereign has

[1] Machiavelli, *Prince* xviii.

[2] *TT-P* xvi, pp. 139–41.

potestas aliquid alteri se facturam promisit, quod postea tempus seu ratio docuit, aut docere videbatur, communi subditorum saluti obesse, fidem sane solvere tenetur. Cum itaque Scriptura non nisi in genere doceat fidem servare, et casus singulares qui excipiendi sunt uniuscujusque judicio relinquat, nihil ergo docet quod iis quae modo ostendimus repugnat.

18. Sed ne toties opus sit sermonis filum interrumpere et similes posthac objectiones solvere, monere volo me haec omnia ex naturae humanae quomodocunque consideratae necessitate demonstrasse, nempe ex universali omnium hominum conatu sese conservandi, qui conatus omnibus hominibus inest, sive ignari sive sapientes sint; ac proinde quomodocunque homines, sive affectu sive ratione, duci considerentur, res eadem erit, quia demonstratio, ut diximus, universalis est.

2. *Gf videbitur*, perhaps a misprint.
3. *NS zo ben ik warelijk gehouden mijn belofte niet te voldoen*, i.e. *tenemur*.

promised another to do something, and then time or reason shows, or appears to show, that the thing in question is prejudicial to the general welfare of its subjects, it is certainly bound to break its promise. Since Scripture, then, teaches us to keep faith only as a general rule, and leaves the agent to decide in which particular cases exceptions must be made, it teaches nothing contrary to what I have just shown.

18. But in order that there may be henceforth less need to interrupt the thread of my argument with answers to similar objections, I would remind my readers that I have deduced all these doctrines from the essential nature of man, irrespective of how he is considered; i.e. from the universal urge of all men to preserve themselves. This urge is present in all men, whether they are enlightened or not;[1] and so, no matter how we consider men, whether we take them to be guided by passion or by reason, it will make no difference, since the proof, as I have said, is valid in all cases.

[1] But although men by nature break their promises when they think that this is to their advantage, the enlightened may see disadvantages in promise-breaking which the unenlightened fail to see.

## CAPUT IV

1. Jus summarum potestatum, quod earum potentia determinatur, in praec. Cap. ostendimus, idque in hoc potissimum consistere vidimus, nempe quod imperii veluti mens sint qua omnes duci debent; adeoque solas jus habere decernendi quid bonum, quid malum, quid aequum, quid iniquum, hoc est, quid singulis vel omnibus simul agendum vel omittendum sit; ac proinde vidimus iis solis jus competere leges condendi, easque, quando de iis quaestio est, in quocunque singulari casu interpretandi, et decernendi an datus casus contra vel secundum jus factus sit (vide Art. 3, 4, 5, praec. Cap.); deinde bellum inferendi, vel pacis conditiones statuendi et offerendi, vel oblatas acceptandi. Vide Art. 12 et 13 praec. Cap.

2. Cum haec omnia, ac etiam media quae ad eadem exequenda requiruntur, omnia negotia sint quae ad integrum imperii corpus, hoc est, quae ad rempublicam spectant, hinc sequitur rempublicam ab ejus solummodo directione pendere qui summum habet imperium. Ac proinde sequitur solius summae potestatis jus esse de factis uniuscujusque judicandi, de factis cujuscunque rationem exigendi, delinquentes poena mulctandi, et quaestiones inter cives de jure dirimendi, vel legum latarum peritos statuendi qui haec ejus loco administrent; deinde omnia ad bellum et pacem media adhibendi et ordinandi, nempe urbes condendi et muniendi, milites conducendi, officia militaria distribuendi, et quid factum velit imperandi, et pacis causa legatos mittendi et audiendi, et denique sumptus ad haec omnia exigendi.

3. Quoniam itaque solius summae potestatis jus sit negotia publica tractandi vel ministros ad eadem eligendi, sequitur subditum imperium affectare qui suo solo arbitrio, supremo concilio inscio, negotium aliquod publicum aggressus est, tametsi id quod intenderat agere civitati optimum fore crediderit.

4. Sed quaeri solet an summa potestas legibus adstricta sit, et consequenter an peccare possit. Verum quoniam legis et peccati nomina non tantum civitatis jura, sed etiam omnium rerum naturalium et apprime rationis communes regulas respicere solent, non possumus absolute

3. *NS dat de Heerschappijen gelijk een ziel, of een geest zijn*, i.e. *imperia . . . sint. sint* at any rate is correct. *OP sit.*

13. *omnia* not in *NS.*

21. *OP milites ducendi*, corrected to *milites conducendi* in the list of Errata. *NS krijgslieden te geleiden*, i.e. *ducendi.*

# CHAPTER IV

1. The right of the sovereign, which is determined by its power, has been explained in the previous Chapter. Its right, as we saw, lay primarily in the fact that it was, so to speak, the mind of the state by which all its subjects had to be guided; and so it alone had the right to decide what was good, what bad, what fair, and what unfair, i.e. to decide what had to be done or not done either by particular individuals or by all alike. This meant that it alone had the right to make laws, to interpret them in particular cases when there was a dispute about their meaning, and to decide whether any given action was illegal or not (see Sections 3, 4, and 5 of the previous Chapter). In addition, it alone had the right to make war, to decide upon and offer conditions of peace, or to accept them when offered.[1] See Sections 12 and 13 of the previous Chapter.

2. Since these functions, and the means required to perform them, are the only matters which concern the state as a whole, i.e. which are affairs of state, the conduct of state affairs depends entirely on the guidance of the sovereign. It follows that the sovereign alone has the right to judge the actions of individuals, to demand an account of anyone's conduct, to punish wrong-doers, and to settle disputes between citizens over questions of right; or to appoint men versed in the established laws to perform these functions on its behalf. It also follows that the sovereign alone has the right to use and organize all the means necessary to war and peace, viz., the right to found and fortify cities, to collect troops, to allocate military duties, to order what it wishes done, to send envoys with a view to peace, to give them audience, and finally to levy money to meet all these expenses.

3. Since the sovereign alone has the right to handle public affairs or appoint ministers to do so, a subject commits treason if, unbeknown to the supreme council, he undertakes any public business on his own initiative; even though he believes that what he intends to do is in the best interests of the commonwealth.[2]

4. It is often asked whether a sovereign is bound by laws and so capable of doing wrong. Now since the words 'law' and 'wrong-doing' often refer to the common laws which apply to everything in nature, and particularly to the common rules of reason,[3] as well as to the laws

[1] Hobbes, *De Cive* vi, 18.
[2] For another account see *TT-P* xvi, pp. 141–3.
[3] *TP* ii, 21, p. 281.

dicere civitatem nullis adstrictam esse legibus, seu peccare non posse. Nam si civitas nullis legibus seu regulis, sine quibus civitas non esset civitas, adstricta esset, tum civitas non ut res naturalis sed ut chimaera esset contemplanda. Peccat ergo civitas quando ea agit, vel fieri patitur, quae causa esse possunt ipsius ruinae; atque tum eandem eo sensu peccare dicimus quo philosophi vel medici naturam peccare dicunt; et hoc sensu dicere possumus civitatem peccare quando contra rationis dictamen aliquid agit. Est enim civitas tum maxime sui juris quando ex dictamine rationis agit (per Art. 7 praeced. Cap.); quatenus igitur contra rationem agit, eatenus sibi deficit seu peccat. Atque haec clarius intelligi poterunt si consideremus quod, cum dicimus unumquemque posse de re quae sui juris est statuere quicquid velit, haec potestas non sola agentis potentia, sed etiam ipsius patientis aptitudine definiri debet. Si enim ex. gr. dico me jure posse de hac mensa quicquid velim facere, non hercle intelligo quod jus habeam efficiendi ut haec mensa herbam comedat. Sic etiam, tametsi dicimus homines non sui sed civitatis juris esse, non intelligimus quod homines naturam humanam amittant et aliam induant, atque adeo quod civitas jus habeat efficiendi ut homines volent, vel, quod aeque impossibile est, ut homines cum honore adspiciant ea quae risum movent vel nauseam: sed quod quaedam circumstantiae occurrant, quibus positis ponitur subditorum erga civitatem reverentia et metus, et quibus sublatis metus et reverentia et cum his civitas una tollitur. Civitas itaque, ut sui juris sit, metus et reverentiae causas servare tenetur, alias civitas esse desinit. Nam iis vel ei qui imperium tenet aeque impossibile est ebrium aut nudum cum scortis per plateas currere, histrionem agere, leges ab ipso latas aperte violare seu contemnere, et cum his majestatem servare, ac impossibile est simul esse et non esse; subditos deinde trucidare, spoliare, virgines rapere, et

5. *NS dat zy dan in een zelfde zin zondigt*, which suggests *eam eodem* or *eodem eam*.

of a commonwealth, we cannot say without qualification that a commonwealth is bound by no laws and that it cannot do wrong. For if a commonwealth were not bound by the laws or rules which make it a commonwealth, it would have to be regarded, not as a real thing in nature, but as a figment of the imagination. A commonwealth, then, does wrong when it does, or allows to be done, things that can be the cause of its own downfall. When it acts in this way, I say that it does wrong in the sense in which scientists or doctors say that nature does wrong;[1] and in this sense we can say that a commonwealth does wrong when it does something contrary to the dictate of reason.[2] For a commonwealth is most fully possessed of its own right when it acts in accordance with the dictate of reason (by Section 7 of the previous Chapter); in so far, then, as it acts against reason, it fails to realize its true nature, or does wrong. This will be understood more clearly if we consider the following point. When we say that a man has the power to do what he likes with something over which he has a right, this power is necessarily limited by the capacity of the object affected as well as by the power of the agent. For example, if I say that I have the right to do whatever I wish with this table, I certainly do not mean that I have a right to make this table eat grass. Similarly, although I say that men are not possessed of their own right, but subject to the right of their commonwealth, I do not mean that they lose their human nature and assume another, and that the commonwealth has thus a right to make them fly in the air, or, what is equally impossible, to make them regard with honour things which arouse their ridicule or disgust. I mean that there are certain conditions whose fulfilment gives rise to respect for and fear of the commonwealth on the part of its subjects, and that, when these conditions are not fulfilled, fear, respect, and the commonwealth all disappear together. Thus in order that a commonwealth may possess its own right, it is bound to maintain the conditions of fear and respect, otherwise it ceases to be a commonwealth. For it is as impossible for a sovereign to run drunk or naked through the streets with harlots, to act on the stage,[3] openly to break or hold in contempt laws which he himself has passed, and still to preserve his sovereignty, as it is to be and not be at the same time. Besides, to slaughter subjects, to despoil them, to abduct women, and conduct of that kind, turns fear

[1] Speaking 'in human fashion'; cf. *TP* ii, 22, pp. 281–3, and *E* iv, Pref.

[2] The reason of the political scientist.

[3] Like Nero (Tacitus, *Annals* xvi, iv). According to Machiavelli (*Prince* xix), a ruler must at all costs avoid arousing the contempt and hatred of his subjects.

similia, metum in indignationem, et consequenter statum civilem in statum hostilitatis vertunt.

5. Videmus itaque quo sensu dicere possumus civitatem legibus teneri et peccare posse. Verum si per legem intelligamus jus civile, quod ipso jure civili vindicari potest, et peccatum id quod jure civili fieri prohibetur, hoc est, si haec nomina genuino sensu sumantur, nulla ratione dicere possumus civitatem legibus adstrictam esse aut posse peccare. Nam regulae et causae metus et reverentiae quas civitas sui causa servare tenetur, non ad jura civilia sed ad jus naturale spectant, quandoquidem (per Art. praeced.) non jure civili sed jure belli vindicari possunt; et civitas nulla alia ratione iisdem tenetur quam homo in statu naturali, ut sui juris esse possit, sive ne sibi hostis sit, cavere tenetur ne se ipsum interficiat; quae sane cautio non obsequium, sed humanae naturae libertas est. At jura civilia pendent a solo civitatis decreto, atque haec nemini nisi sibi, ut scilicet libera maneat, morem gerere tenetur, nec aliud bonum aut malum habere nisi quod ipsa sibi bonum aut malum esse decernit; ac proinde non tantum jus habet sese vindicandi, leges condendi et interpretandi, sed etiam easdem abrogandi, et reo cuicunque ex plenitudine potentiae condonandi.

6. Contractus seu leges quibus multitudo jus suum in unum concilium vel hominem transferunt, non dubium est quin violari debeant, quando communis salutis interest easdem violare. At judicium de hac re, an scilicet communis salutis intersit easdem violare an secus, nemo privatus, sed is tantum qui imperium tenet jure ferre potest (per Art. 3 hujus Cap.); ergo jure civili is solus qui imperium tenet earum legum interpres manet. Ad quod accedit quod nullus privatus easdem jure vindicare possit; atque adeo eum qui imperium tenet revera non obligant. Quod si tamen ejus naturae sint ut violari nequeant nisi simul civitatis robur debilitetur, hoc est, nisi simul plerorumque civium

14. *P atque*; *OP acque.*

18–19. *OP reum quemcunque*, corrected to *reo cuicunque* in the list of Errata.

20. *NS het verdrach*, i.e. *Contractus* (singular); *OP Contractûs*. The error is due to the original editors, who were responsible for most of the accents in Spinoza's text. Cf. *G*, vol. iv, p. 171, ll. 2 and 19.

into indignation, and, as a result, the political condition into a condition of war.

5. This, then, makes clear the sense in which we can say that a commonwealth is bound by laws and capable of doing wrong. But if by 'law' we mean civil law, enforceable purely by civil right,[1] and by 'wrong-doing' that which is forbidden by civil law, i.e. if these words are taken in their proper sense, it is quite impossible to say that a commonwealth is bound by laws and capable of doing wrong. For the rules and conditions of fear and respect which a commonwealth is bound in its own interest to observe are no part of civil law, but are part of the law of nature, since (by the previous Section) they are not enforceable by civil right, but only by the right of war. In any case a commonwealth is bound by them only in the sense that a man in the state of nature, in order to possess his own right, and not be his own enemy, 'is bound' to take care not to kill himself; and this, of course, is not an obligation imposed on man, but an exercise of his freedom.[2] Civil laws, on the other hand, depend entirely on the decree of the commonwealth, and in order to maintain its freedom a commonwealth is bound to please nobody but itself, and to regard nothing as good or bad but what it decides to be good or bad for itself; so it has not only the right to assert itself, to lay down and interpret laws, but also the right to repeal them, and to pardon any offender out of the plenitude of its power.

6. The contract or laws by which a people transfers its right to one man or an assembly[3] should certainly be broken when the general welfare so requires. But the right to decide whether the general welfare requires this or not cannot belong to any private individual, but only to the sovereign (by Section 3 of this Chapter); and so by civil right the sovereign is always the sole interpreter of these laws. Besides, no private individual has a right to enforce them; so in fact they are not binding on the sovereign. Nevertheless, if they are of such a nature that they cannot be broken without the commonwealth being weakened, i.e. without the common fear of the majority of citizens being at once

[1] By civil right a citizen can enforce civil law against another citizen, but not against the commonwealth itself.

[2] *TP* ii, 20, pp. 279–81.

[3] Spinoza follows Hobbes (*De Cive* vii, 5–12) in holding that democracy is the original form of constitution (*TP* viii, 12, p. 377; cf. *TT-P* xvii, p. 159). But he denies that the people transfers its sovereignty *unconditionally* (*TP* vii, 1, p. 335; cf. vii, 30, p. 363). The question at issue here is how far and in what sense a king, for instance, is bound by the contract he makes with his people to observe certain fundamental laws. This is the only kind of contract mentioned in the *TP*; contrast *TT-P* xvi, pp. 129–33.

communis metus in indignationem vertatur, eo ipso civitas dissolvitur et contractus cessat; qui propterea non jure civili, sed jure belli vindicatur. Atque adeo is qui imperium tenet nulla etiam alia de causa hujus contractus conditiones servare tenetur, quam homo in statu naturali, ne sibi hostis sit, tenetur cavere ne se ipsum interficiat, ut in praeced. Art. diximus.

turned into indignation, then to break them is to destroy the commonwealth and to end the contract; so that breach of the contract is not punished by civil right but by the right of war. It follows that in this case a sovereign is bound to observe the conditions of the contract for precisely the same reason as a man in the state of nature, in order that he may not be his own enemy, is bound to take care not to kill himself, as I said in the previous Section.

## CAPUT V

1. In Art. 11 Cap. 2 ostendimus hominem tum maxime sui juris esse quando maxime ratione ducitur, et consequenter (vid. Art. 7 Cap. 3) civitatem illam maxime potentem maximeque sui juris esse quae ratione fundatur et dirigitur. Cum autem optima vivendi ratio ad sese quantum fieri potest conservandum ea sit quae ex praescripto rationis instituitur, sequitur ergo id omne optimum esse quod homo vel civitas agit quatenus maxime sui juris est. Nam non id omne quod jure fieri dicimus, optime fieri affirmamus: aliud namque est agrum jure colere, aliud agrum optime colere; aliud, inquam, est sese jure defendere, conservare, judicium ferre etc., aliud sese optime defendere, conservare, atque optimum judicium ferre; et consequenter aliud est jure imperare et reipublicae curam habere, aliud optime imperare et rempublicam optime gubernare. Postquam itaque de jure cujuscunque civitatis in genere egimus, tempus est ut de optimo cujuscunque imperii statu agamus.

2. Qualis autem cujuscunque imperii optimus sit status facile ex fine status civilis cognoscitur: qui scilicet nullus alius est quam pax vitaeque securitas. Ac proinde illud imperium optimum est ubi homines concorditer vitam transigunt, et cujus jura inviolata servantur. Nam certum est quod seditiones, bella, legumque contemptio sive violatio, non tam subditorum malitiae quam pravo imperii statui imputanda sunt. Homines enim civiles non nascuntur, sed fiunt. Hominum praeterea naturales affectus ubique iidem sunt; si itaque in una civitate malitia magis regnat pluraque peccata committuntur quam in alia, certum est id ex eo oriri, quod talis civitas non satis concordiae providerit, nec jura satis prudenter instituerit, et consequenter neque jus civitatis absolutum obtinuerit. Status enim civilis qui seditionum causas non abstulit, et ubi bellum continuo timendum, et ubi denique leges frequenter violantur, non multum ab ipso naturali statu differt, ubi unusquisque ex suo ingenio magno vitae periculo vivit.

16. *NS Maar hoedanige stant van yder Heerschappy de beste is*; *OP Qualis autem cujuscunque imperii sit status*. As *L* saw, *optimus* has dropped out of the *OP* text. He inserted it before *cujuscunque*: I prefer to place it before *sit*.

28. *NS* omits the first *et*.

# CHAPTER V

1. I have shown in Chapter 2, Section 11, that a man is most fully possessed of his own right when he is most guided by reason, and consequently (see Section 7, Chapter 3) that a commonwealth is most powerful, and most fully possessed of its own right, if it is based on and guided by reason. Now since the best way to preserve oneself as far as possible is to live as reason prescribes,[1] a man or a commonwealth always acts in the best way when it is most fully possessed of its own right. I do not assert that everything which I say is done by right is done in the best way. It is one thing to cultivate a field by right, and another to cultivate it in the best way; it is one thing, I say, to defend and preserve oneself, to give judgement and so on by right, another to defend and preserve oneself in the best way, and to give the best judgement. In consequence, it is one thing to rule and have charge of public affairs by right, another to rule and direct public affairs in the best way.[2] So now that I have dealt with the right of commonwealths in general, it is time for me to discuss their best condition.

2. The best condition of a commonwealth is easily discovered from the purpose of political order: which is simply peace and security of life.[3] Accordingly, the best commonwealth is one in which men live in harmony, and the laws are kept unbroken. Rebellions, wars, and contemptuous disregard for law must certainly be attributed to the corrupt condition of the commonwealth rather than to the wickedness of its subjects.[4] For citizens are not born, but made.[5] Besides, men's natural passions are the same everywhere; hence if wickedness is more dominant and crime more prevalent in one commonwealth than in another, this is certainly due to the fact that the first has not done enough to promote harmony, has not framed its laws with sufficient foresight, and so has failed to acquire its absolute right as a commonwealth. For a political order which has not removed the causes of civil strife, where war is a constant threat, and the laws are often broken, differs little from a veritable state of nature, where everyone lives as he pleases with great danger to his life.

[1] *TP* ii, 8, p. 273; *TT-P* xvi, p. 127; *E* iv, 24.

[2] Man always acts *jure naturae*; but seldom acts in full possession of his *own* right, i.e. with complete freedom or from the dictates of reason.

[3] In *TT-P* xx, p. 231, Spinoza says that the purpose of the state is freedom. But the inconsistency disappears when he explains his conception of peace below.

[4] Machiavelli, *Discourses* iii, 29.

[5] Hobbes, *De Cive* i, 2, n. 1.

3. At sicut subditorum vitia, nimiaque licentia et contumacia, civitati imputanda sunt, ita contra eorum virtus et constans legum observantia maxime civitatis virtuti et juri absoluto tribuenda est, ut patet ex Art. 15 Cap. 2. Unde Hannibali merito eximiae virtuti ducitur quod in ipsius exercitu nulla unquam seditio orta fuerit.

4. Civitas cujus subditi metu territi arma non capiunt potius dicenda est quod sine bello sit quam quod pacem habeat. Pax enim non belli privatio, sed virtus est quae ex animi fortitudine oritur: est namque obsequium (per Art. 19 Cap. 2) constans voluntas id exequendi quod ex communi civitatis decreto fieri debet. Illa praeterea civitas, cujus pax a subditorum inertia pendet, qui scilicet veluti pecora ducuntur ut tantum servire discant, rectius solitudo quam civitas dici potest.

5. Cum ergo dicimus illud imperium optimum esse ubi homines concorditer vitam transigunt, vitam humanam intelligo, quae non sola sanguinis circulatione et aliis quae omnibus animalibus sunt communia, sed quae maxime ratione, vera mentis virtute et vita, definitur.

6. Sed notandum imperium quod in hunc finem institui dixi a me intelligi id quod multitudo libera instituit, non autem id quod in multitudinem jure belli acquiritur. Libera enim multitudo majori spe quam metu, subacta autem majori metu quam spe ducitur; quippe illa vitam colere, haec autem mortem tantummodo vitare studet. Illa, inquam, sibi vivere studet, haec victoris esse cogitur; unde hanc servire, illam liberam esse dicimus. Finis itaque imperii quod aliquis jure belli adipiscitur est dominari, et servos potius quam subditos habere. Et quamvis inter imperium quod a libera multitudine creatur, et illud quod jure belli acquiritur, si ad utriusque jus in genere attendamus, nulla essentialis detur differentia, finem tamen, ut jam ostendimus, et praeterea media quibus unumquodque conservari debeat, admodum diversa habent.

12. *OP tantum*; *NS eindelijk*, i.e. *tandem*.
16. *NS door de ware reden, door de deucht, en door 't leven des gemoeds bepaalt word.*

3. But just as the vices of subjects, and their excessive lawlessness and perversity, must be attributed to the faults of the commonwealth, so conversely their virtues and steadfast observance of the laws must be chiefly credited to its excellence and absolute right, as is clear from Chapter 2, Section 15. This is why it is justly thought a remarkable virtue in Hannibal that no mutiny ever occurred in his army.[1]

4. A commonwealth whose subjects are restrained from revolting by fear must be said to be free from war rather than to enjoy peace. For peace is not the mere absence of war, but a virtue based on strength of mind;[2] since (by Chapter 2, Section 19) obedience is the steadfast will to do what the general decree of the commonwealth requires. Besides, a commonwealth whose peace depends on the apathy of its subjects, who are led like sheep so that they learn nothing but servility, may more properly be called a desert than a commonwealth.[3]

5. Thus when I say that the best state is one in which men live in harmony, I am speaking of a truly human existence, which is characterized, not by the mere circulation of blood and other vital processes common to all animals, but primarily by reason, the true virtue and life of the mind.[4]

6. When, however, I say that this is the end of the state the reader should note that I am referring to a state established by a free people, and not to a tyranny acquired over a people by the right of war.[5] A free people is led more by hope than by fear, a conquered people more by fear than by hope; for the former seeks to improve its life, the latter seeks only to avoid death. The former, I say, seeks to live for itself, the latter is compelled to belong to its conqueror; that is why I call the second enslaved and the first free. Thus the aim of a state acquired by the right of war is to oppress men, and to make them slaves rather than subjects. And although there is no essential difference in respect of their general right between a state created by a free people and a state acquired by the right of war,[6] their aims, as I have just shown, are very different;[7] and so too are the means required to preserve them.

[1] Machiavelli, *Prince* xvii; *Discourses* iii, 21.

[2] Contrast Hobbes, *De Cive* i, 12.

[3] Tacitus, *Agricola* 30, *ubi solitudinem faciunt, pacem appellant*; Locke, *Second Treatise of Civil Government*, § 228; Rousseau, *Social Contract* i, 4.

[4] *TT-P* xx, p. 231.

[5] Cf. Hobbes's distinction between institution and acquisition (*De Cive* v, 12).

[6] Hobbes, *De Cive* ix, 10.

[7] Aristotle (*Politics* $1279^{a-b}$) distinguished between monarchy, where the ruler ruled in the common interest, and tyranny, where he ruled in his own. Hobbes rejected this distinction (*De Cive* vii, 3) on the ground that the interests of the ruler and of his subjects were inseparable (*De Cive* x, 2; cf. xiii, 4). But even if this is true the ruler may not realize it.

7. Quibus autem mediis princeps qui sola dominandi libidine fertur uti debet ut imperium stabilire et conservare possit, acutissimus Machiavellus prolixe ostendit: quem autem in finem non satis constare videtur. Si quem tamen bonum habuit, ut de viro sapiente credendum est, fuisse videtur ut ostenderet quam imprudenter multi tyrannum e medio tollere conantur, cum tamen causae cur princeps sit tyrannus tolli nequeant, sed contra eo magis ponantur quo principi major timendi causa praebetur: quod fit quando multitudo exempla in principem edidit, et parricidio quasi re bene gesta gloriatur. Praeterea ostendere forsan voluit quantum libera multitudo cavere debet ne salutem suam uni absolute credat, qui, nisi vanus sit, et omnibus se posse placere existimet, quotidie insidias timere debet; atque adeo sibi potius cavere, et multitudini contra insidiari magis quam consulere cogitur: et ad hoc de prudentissimo isto viro credendum magis adducor, quia pro libertate fuisse constat, ad quam etiam tuendam saluberrima consilia dedit.

8–9. *NS voorbeelden . . . voortbrengt*, i.e. *edit*.
13–15. *et ad hoc . . . dedit* not in *NS*.

7. The means which a prince whose sole motive is lust for despotic power must employ to strengthen and preserve his state have been described at great length by that shrewd observer, Machiavelli; but there seems to be some uncertainty about the purpose of his account. If he had some good purpose, as we must believe of so wise a man, it was probably to show the folly of attempting—as many do—to remove a tyrant[1] when the causes which make a prince a tyrant cannot be removed, but become rooted more firmly as the prince is given more reason to be afraid; which happens when a people has made an example of its prince, and boasts of its regicide as though it were a glorious deed.[2] Perhaps he wished to show also how chary a free people should be of entrusting its welfare entirely to one man,[3] who, if he is not a vain fool who thinks that he can please everybody, must go in daily fear of plots; and thus is forced in self-defence to plot against his subjects rather than to further their interests. This interpretation of that wise statesman seems to me particularly attractive in view of the well-known fact that he was an advocate of freedom, and also gave some very sound advice for preserving it.

[1] Machiavelli held that 'a corrupt people' required a master (*Discourses* i, 55): hence his advocacy of a Prince for Italy.

[2] *TT-P* xviii, p. 201.

[3] This interpretation was adopted by Rousseau in *Social Contract* iii, 6. Some slight justification for it may perhaps be found in *Prince* xxiv; but when applied to the whole work it is quite indefensible.

## CAPUT VI

1. Quia homines, uti diximus, magis affectu quam ratione ducuntur, sequitur multitudinem non ex rationis ductu, sed ex communi aliquo affectu naturaliter convenire et una veluti mente duci velle, nempe (ut Art. 9 Cap. 3 diximus) vel ex communi spe, vel metu, vel desiderio commune aliquod damnum ulciscendi. Cum autem solitudinis metus omnibus hominibus insit, quia nemo in solitudine vires habet ut sese defendere et quae ad vitam necessaria sunt comparare possit, sequitur statum civilem homines natura appetere, nec fieri posse ut homines eundem unquam penitus dissolvant.

2. Ex discordiis igitur et seditionibus quae in civitate saepe concitantur nunquam fit ut cives civitatem dissolvant (ut in reliquis societatibus saepe evenit), sed ut ejusdem formam in aliam mutent, si nimirum contentiones sedari nequeunt servata civitatis facie. Quare media quae ad imperium conservandum requiri dixi, ea intelligo quae ad imperii formam absque ulla ejus notabili mutatione conservandam necessaria sunt.

3. Quod si cum humana natura ita comparatum esset ut homines id quod maxime utile est maxime cuperent, nulla esset opus arte ad concordiam et fidem; sed quia longe aliter cum natura humana constitutum esse constat, imperium necessario ita instituendum est ut omnes, tam qui regunt quam qui reguntur, velint nolint, id tamen agant quod communis salutis interest, hoc est, ut omnes sponte vel vi vel necessitate coacti sint ex rationis praescripto vivere; quod fit si imperii res ita ordinentur ut nihil quod ad communem salutem spectat ullius fidei absolute committatur. Nemo enim tam vigilans est qui aliquando non dormitet, et nemo tam potenti tamque integro animo fuit qui aliquando, et praesertim quando maxime animi fortitudine opus est, non frangeretur ac pateretur vinci. Et sane stultitia est ab alio id exigere quod nemo a se ipso impetrare potest, nempe ut alteri potius quam sibi vigilet, ut avarus non sit, neque invidus, neque ambitiosus, etc., praesertim is qui omnium affectuum incitamenta maxima quotidie habet.

4. At experientia contra docere videtur pacis et concordiae interesse ut omnis potestas ad unum conferatur. Nam nullum imperium tamdiu

4–5. *NS of door een gemene begeerte van enige schade te wreken.* But in iii, 9 (p. 290, ll. 25–26) *NS* has *of uit begeerte van enige gemene schade te wreken.*

10. *NS uit de tweedracht*, i.e. *Ex discordia.*

# CHAPTER VI

1. Since men, as I said, are led more by passion than by reason, their natural motive for uniting and being guided as if by one mind is not reason but some common passion;[1] common hope, or common fear, or a common desire to avenge some common injury (as I said in Chapter 3, Section 9). But since all men fear isolation, because no isolated individual has enough power to defend himself and procure the necessaries of life, they desire political society by nature,[2] and can never dissolve it entirely.

2. Thus the quarrels and rebellions which often arise in a commonwealth never lead the citizens to dissolve the commonwealth[3] (as often happens in other kinds of association); if their quarrels cannot be composed otherwise, they simply change its form. Hence by the means required to preserve a state I understand those which are necessary to preserve its form without any notable change.

3. Now if human nature were such that men desired most what was most to their advantage, there would be no need of artifice to promote loyalty and concord.[4] But since, as is well known, human nature is very different, it is necessary to organize the state so that all its members, rulers as well as ruled, do what the common welfare requires whether they wish to or not; that is to say, live in accordance with the precept of reason, either spontaneously or through force or necessity. But this only happens when the administration is arranged so that nothing which concerns the common welfare is wholly entrusted to the good faith of any man.[5] For no one is so vigilant that he does not nod sometimes; even the most resolute and upright of men falter on occasion, and allow themselves to be overcome by their passions, especially when strength of mind is needed most. Now it is certainly foolish to make demands on another which no one can fulfil himself, to require him, for instance, to be more attentive to the interests of others than to his own, to eschew greed, envy, and ambition, and so forth; especially when the other is a man who has always the most powerful incentives to every kind of passion.

4. On the other hand, experience seems to teach that it makes for peace and harmony if all power is vested in one man. For no state has

[1] *TP* i, 7, p. 265.
[2] Hobbes, *De Cive* i, 2, n. 1.
[3] Locke, *Second Treatise of Civil Government*, § 211.
[4] *TT-P* v, p. 93; xvi, p. 131.
[5] *TP* i, 6, p. 265.

absque ulla notabili mutatione stetit quam Turcarum, et contra nulla minus diuturna quam popularia seu democratica fuerunt, nec ulla ubi tot seditiones moverentur. Sed si servitium, barbaries, et solitudo pax appellanda sit, nihil hominibus pace miserius. Plures sane et acerbiores contentiones inter parentes et liberos quam inter dominos et servos moveri solent, nec tamen oeconomiae interest jus paternum in dominium mutare, et liberos perinde ac servos habere. Servitutis igitur, non pacis, interest omnem potestatem ad unum transferre: nam pax, ut jam diximus, non in belli privatione, sed in animorum unione sive concordia consistit.

5. Et sane qui credunt posse fieri ut unus solus summum civitatis jus obtineat longe errant. Jus enim sola potentia determinatur, ut Capite 2 ostendimus: at unius hominis potentia longe impar est tantae moli sustinendae. Unde fit ut quem multitudo regem elegit, is sibi imperatores quaerat seu consiliarios seu amicos, quibus suam et omnium salutem committit, ita ut imperium quod absolute monarchicum esse creditur sit revera in praxi aristocraticum, non quidem manifestum, sed latens, et propterea pessimum. Ad quod accedit quod rex puer, aeger, aut senectute gravatus, precario rex sit, sed ii revera summam potestatem habeant qui summa imperii negotia administrant, vel qui regi sunt proximi; ut jam taceam quod rex libidini obnoxius omnia saepe moderetur ex libidine unius aut alterius pellicis aut cinaedi. *Audieram*, inquit Orsines, *in Asia olim regnasse foeminas: hoc vero novum est, regnare castratum.* Curtius lib. X, Cap. 1.

6. Est praeterea hoc certum quod civitas semper magis propter cives quam propter hostes periclitetur: rari quippe boni. Ex quo sequitur quod is in quem totum imperii jus delatum est magis cives quam hostes semper timebit, et consequenter sibi cavere, et subditis non consulere sed insidiari conabitur, iis praecipue qui sapientia clari vel divitiis potentiores sunt.

7. Accedit praeterea quod reges filios etiam plus timent quam amant,

2. *seu democratica* not in *NS*.
2–3. *NS daar in zo veel beroerten rijzen*, i.e. *moventur*.
4. *NS* adds *en niets minder te wenschen*.

stood so long without any notable change as that of the Turks, and, conversely, none have proved so short-lived and so liable to constant civil strife as popular or democratic states.[1] But if slavery, barbarism, and desolation are to be called peace, peace is the greatest misfortune that men can suffer. It is true that the quarrels which arise between parents and children are generally more frequent and more bitter than quarrels between masters and slaves, yet it is not conducive to good family management to make the father a master, and to treat children as slaves. So it is slavery, not peace, that is furthered by the transfer of all power to one man; for peace, as I have said already, is not mere absence of war, but a union or agreement of minds.

5. And, of course, those who believe that one man *can* hold the supreme right of a commonwealth by himself are greatly mistaken. For right is determined by power alone, as I have shown in Chapter 2; and the power of one man is far too small to bear so great a burden. The result is that the man whom the people has chosen as king looks for generals or counsellors or friends to help him,[2] and entrusts them with his own safety and the safety of all; so that the state which is believed to be a pure monarchy is really an aristocracy in practice, but a concealed and not an open one, and therefore of the very worst type. Besides, a king who is a boy, an invalid, or a man burdened by years, is king only by courtesy, and the sovereignty is really held by those who handle the most important affairs of state, or who are nearest to the king; not to mention that a king who is a prey to lust often manages everything to suit the whim of some concubine or catamite.[3] 'I had heard', said Orsines, 'of women once ruling in Asia: but for a eunuch to rule is something new.' Curtius, Book X, Chapter 1.[4]

6. It is also true that a commonwealth is always in greater danger from its citizens than from external enemies:[5] for loyal subjects are rare. In consequence, a man in whom the whole right of the state has been vested will always be more afraid of his citizens than of external enemies.[6] He will therefore try to protect himself from them; instead of furthering their interests he will plot against them; and especially against those who have a reputation for wisdom or are too powerful because of their wealth.

7. I may add that their sons too are more feared than loved by kings;

[1] Rousseau, *Social Contract* iii, 4.
[2] Aristotle, *Politics* 1287[b] 8–9.
[3] Van Hove, *Polityke Weegschaal*, 1661, 1, i, 25 (p. 92).
[4] *Historiae Alexandri Magni* x, i, 37.
[5] *TT-P* xvii, p. 155.
[6] Van Hove, op. cit. 1, i, 10 (p. 41).

et eo magis quo pacis bellique artes magis callent et subditis ob virtutes dilectiores sunt. Unde fit ut eos ita educare studeant ut causa timendi absit. Qua in re officiarii promptissime regi obsequuntur, et studium adhibebunt summum ut regem successorem rudem habeant quem arte tractare possint.

8. Ex quibus omnibus sequitur regem eo minus sui juris, et subditorum conditionem eo miseriorem esse, quo magis absolute civitatis jus in eundem transfertur. Atque adeo necesse est ad imperium monarchicum rite stabiliendum fundamenta jacere firma quibus superstruatur: ex quibus monarchae securitas et multitudini pax sequatur; ac proinde ut monarcha tum maxime sui juris sit cum maxime multitudinis saluti consulit. Quaenam autem haec imperii monarchici fundamenta sint, primum breviter proponam, et deinde ordine ea ostendam.

9. Urbs una aut plures condendae et muniendae sunt, quarum omnes cives, sive ii intra moenia sive extra propter agriculturam habitent, eodem civitatis jure gaudeant; ea tamen conditione, ut unaquaeque certum civium numerum ad sui et communem defensionem habeat. Quae autem id praestare nequit aliis conditionibus in ditione habenda.

10. Militia ex solis civibus nullo excepto formanda est, et ex nullis aliis; atque adeo omnes arma habere teneantur, et nullus in civium numerum recipiatur, nisi postquam exercitium militare didicerit, illudque signatis anni temporibus exercere pollicitus fuerit. Deinde uniuscujusque familiae militia in cohortes et legiones divisa, nullius cohortis dux eligendus nisi qui architecturam militarem noverit. Porro cohortium et legionum duces ad vitam quidem, sed qui unius familiae integrae militiae imperet in bello tantummodo eligendus, qui annum ad summum imperium habeat, nec continuari in imperio nec postea eligi possit. Atque hi eligendi sunt ex regis consiliariis (de quibus Art. 15 et seqq. dicendum), vel qui officio consiliarii functi sunt.

4. *NS om een ruw en ongeleert Koning . . . tot navolger in de heerschappy te hebben.* Perhaps *imperii* has dropped out of the Latin text between *successorem* and *rudem.*

12. *P Imperii Monarchici*; *NS van d'eenhoofdige Heerschappy*, glossed *Imperium monarchicum*; *OP Imperii Monarchi.*

18. *NS die dit niet willen doen.*

25. *NS van een enig geslacht*, which is, however, altered to *van de Heerschappy* in the list of Errata. In view of Spinoza's remark on p. 348, ll. 17–20, and the fact that the contingent from one tribe might form less than a six-hundredth part of the state's armed forces (p. 320, ll. 25–26), the alteration is not unreasonable.

especially if their sons are skilled in the arts of peace and war, and popular with the subjects because of their virtues. The result is that kings try to educate their sons so as to prevent any cause for alarm. In this matter ministers are very ready to comply with the king's wishes, and will make every effort to have a novice whom they can hoodwink for their next king.[1]

8. It follows from all this that the more completely the right of a commonwealth is transferred to one man, the less is he possessed of his own right, and the more wretched is the condition of his subjects. Thus to establish a monarchy properly it is necessary to ground it on strong foundations which will provide security for the king and peace for the people, and so ensure that the king is most fully possessed of his own right when he pays most attention to the people's welfare. I shall first set out briefly these foundations of monarchy, and then justify each of them in turn.

9. One or more cities must be founded and fortified, and every citizen of these, including farmers living outside their boundaries, should enjoy the same rights in the commonwealth; but only if his city can provide a certain number of citizens for the defence of itself and of the state. If it cannot fulfil this condition it must be held in subjection on different terms.

10. The army must be recruited *from the citizens alone*,[2] and no one must be exempted from military service. Thus all should be required to possess arms, and no one should be admitted to the citizen roll until he has been trained as a soldier,[3] and has promised to practise his duties at appointed times of the year. The contingent from each tribe must be divided into companies and regiments, and no one must be chosen as a company commander unless he has been trained in military engineering.[4] The commanders of companies and regiments must be appointed for life, but the commander of a tribe's whole contingent must be appointed in time of war only; he should hold his command for a year at most, without the possibility of extension or subsequent re-appointment. The latter commanders must be chosen from the king's counsellors (of whom I have to speak in Sections 15 and ff.), or from ex-counsellors.

[1] Van Hove, op. cit. 1, i, 10 (p. 40), who quotes Tacitus, *Annals* 11, lxxxii, 3 : *displicent regnantibus civilia filiorum ingenia.*

[2] *TT-P* xvii, p. 173; cf. Machiavelli, *Prince* xii-xiii and *Discourses* ii, 20.

[3] A young man in ancient Athens was enrolled on the register of his father's deme at the age of eighteen, but only became a full citizen after two years' military training.

[4] In Spinoza's time war was largely a matter of besieging and defending fortresses and cities.

11. Omnium urbium incolae et agricolae, hoc est, omnes cives, in familias dividendi sunt, quae nomine et insigni aliquo distinguantur; et omnes ex aliqua harum familiarum geniti in civium numerum recipiantur, eorumque nomina in catalogum eorum familiae redigantur simulac eo aetatis pervenerint ut arma ferre et officium suum noscere possint; iis tamen exceptis qui ob scelus aliquod infames, vel qui muti, vesani, vel famuli sunt qui servili aliquo officio vitam sustentant.

12. Agri et omne solum et, si fieri potest, domus etiam publici juris sint, nempe ejus qui jus civitatis habet, a quo annuo pretio civibus, sive urbanis et agricolis, locentur; et praeterea omnes ab omni exactione tempore pacis liberi sive immunes sint. Atque hujus pretii alia pars ad civitatis munimenta, alia ad usum domesticum regis referenda est. Nam tempore pacis urbes tanquam ad bellum munire, et praeterea naves et reliqua instrumenta bellica parata necesse est habere.

13. Electo rege ex aliqua familia, nulli nobiles censendi nisi a rege oriundi, qui propterea insignibus regiis a sua et a reliquis familiis distinguantur.

14. Regis consanguinei nobiles masculi, qui ei qui regnat gradu consanguinitatis tertio aut quarto propinqui sunt, uxorem ducere prohibeantur, et si quos liberos procreaverint illi illegitimi habeantur et omni dignitate indigni, nec parentum haeredes agnoscantur, sed eorum bona ad regem redeant.

15. Regis praeterea consiliarii, qui ei proximi vel dignitate secundi sunt, plures esse debent et non nisi ex civibus eligendi; nempe ex unaquaque familia tres aut quatuor, aut quinque (si familiae non plures quam sexcentae fuerint), qui simul unum hujus concilii membrum constituent; non ad vitam, sed in tres aut quatuor aut quinque annos, ita ut singulis annis eorum tertia, quarta, aut quinta pars nova eligatur: in qua electione tamen apprime observandum ut ex unaquaque familia unus ad minimum juris peritus consiliarius eligatur.

16. Haec electio ab ipso rege fieri debet, cui constituto anni tempore, quo scilicet novi consiliarii eligendi sunt, unaquaeque familia omnium suorum civium nomina qui ad annum quinquagesimum aetatis

7. *NS of zot zijn, of die met enig dienstbaar ampt hun leven onderhouden*, i.e. *NS* omits *famuli* and suggests *vel*; *OP et*.

20. *NS en, indien zy kinderen telen, de zelfden voor onwettig houden*, i.e. *illi illegitimi habeantur*; *OP illegitimi habeantur*, *illegitimi* being divided between two lines and printed *illegitimi*.

11. All the city-dwellers and farmers, that is to say, all the citizens, must be divided into tribes, which should be distinguished by some name and emblem. Everyone born into any of these tribes should be admitted to the citizen roll, and have his name inscribed on the roll of his tribe, as soon as he is old enough to bear arms and undergo military training; unless he is a convicted criminal, a mute, a lunatic, or a menial who supports himself by some servile occupation.

12. The fields and the whole territory—and, if possible, the houses also—should be owned by the state, i.e. by the sovereign; who should let them out at an annual rent to the citizens, i.e. to the city-dwellers and farmers. These should be subject to no other form of taxation in time of peace. Part of this rent should go to the king's privy purse, the rest to the defences of the commonwealth. For in time of peace it is necessary to fortify cities for war, and to keep ships and other weapons of war in trim.

13. Once the first king has been chosen from some tribe, only his descendants must be regarded as noblemen; they should therefore be distinguished by royal insignia both from their own tribe and from the others.

14. The male nobles who are blood relatives of the reigning king, and stand in the third or fourth degree of blood relationship to him, should be forbidden to marry. If they do have sons, the latter should be regarded as illegitimate and unworthy of any office; they should be debarred from inheriting their father's estate, which should revert to the king.

15. The king's counsellors, who are nearest or at least next to him in rank, should be numerous, and chosen from the citizens alone; three or four from each tribe, or even five if the number of tribes is less than six hundred. The counsellors from each tribe will together make up one section of this council; they will not serve for life, but for three, four, or five years, and a third, fourth, or fifth of them must be chosen afresh each year. Here it is most important that at least one lawyer should be appointed as counsellor from each tribe.[1]

16. The choice of counsellors must be made by the king himself. At the time of year appointed for the election of new counsellors each tribe must deliver to the king the names of all its citizens—aged fifty

[1] In addition to its deputies, each of the eighteen towns of Holland sent a lawyer, the Pensionary, to the Provincial Estates. See Sir William Temple, *Observations upon the United Provinces of the Netherlands*, with an Introduction by G. N. Clark, Cambridge, 1932, ch. ii, p. 65.

pervenerunt, et qui hujus officii candidati rite promoti fuerunt, tradere debet; ex quibus quem velit rex eliget. At eo anno quo alicujus familiae juris peritus alteri succedere debet, juris peritorum tantum nomina sunt regi tradenda. Qui statuto tempore officio hoc consiliarii functi sunt in eodem continuari nequeant, nec ad catalogum eligendorum quinquennio aut amplius referri. Causa autem cur necesse sit singulis annis ex unaquaque familia unum eligere est ne concilium jam ex inexpertis novitiis, jam ex veteratis et rerum expertis componeretur; quod necessario fieret si omnes simul recederent et novi succederent. Sed si singulis annis ex unaquaque familia unus eligatur, tum non nisi quinta, quarta, aut ad summum tertia concilii pars ex novitiis erit. Praeterea si rex aliis negotiis impeditus, aut alia de causa, huic electioni vacare aliquamdiu non possit, tum ipsi consiliarii alios pro tempore eligant donec ipse rex vel alios eligat, vel quos concilium elegit probet.

17. Hujus concilii primarium officium sit imperii fundamentalia jura defendere, et consilia de rebus agendis dare ut rex quid in bonum publicum decernendum sit sciat; atque adeo ut regi nihil de aliqua re statuere liceat nisi intellecta prius hujus concilii sententia. Sed si concilio, ut plerumque fiet, non una mens fuerit, sed diversas habuerit sententias etiam postquam bis aut ter quaestionem de eadem re habuerint, res in longius trahenda non est, sed discrepantes sententiae ad regem deferendae, ut Art. 25 hujus Capitis docebimus.

18. Hujus praeterea concilii officium etiam sit regis instituta seu decreta promulgare, et quid in rempublicam decretum est curare, totiusque administrationis imperii curam habere tanquam regis vicarii.

19. Civibus nulli ad regem aditus pateant nisi per hoc concilium, cui omnes postulationes seu libelli supplices tradendi sunt ut regi offerantur. Legatis etiam aliarum civitatum non nisi intercedente hoc concilio veniam regem alloquendi impetrare liceat. Epistolae praeterea quae ex aliis locis regi mittuntur ei ab hoc concilio tradi debent; et absolute rex censendus est veluti civitatis mens, hoc autem concilium

1–2. *OP Regi tradere debet.* But *Regi* is not in *NS*, and is redundant after *cui.*
8. *P. veteranis.* 9. *NS zou moeten geschieden*; *V–L fieret*; *OP fiet.*
16. *NS en bericht tot verhandeling van zaken te geven*; *OP consilia de rebus agendis dare.* I insert *et* before *consilia.*
23. *praeterea* not in *NS.*

or over—who have been duly proposed as candidates for this office; and from these the king will choose whom he wishes.[1] But in the year when a successor to the lawyer of a tribe is due to be chosen the names of its lawyers only must be submitted to the king. Those who have served as counsellors for the appointed time should be debarred from having their tenure extended, and from being replaced on the roll of candidates for five years or more. The reason for appointing one counsellor a year from each tribe is to prevent the council from being composed alternately of inexperienced new-comers and experienced veterans; as would be inevitable if all counsellors retired and took up office together. But if only one is appointed every year from each tribe, only a fifth, fourth, or at the very most a third of the council will be made up of new-comers. If the king is prevented from attending to these appointments for some length of time, either by pressure of business or for some other reason, the counsellors themselves should choose new members to hold office temporarily until the king himself chooses others, or approves those chosen by the council.

17. The chief duty of this council should be to maintain the fundamental laws of the state, and to give advice on the conduct of affairs so that the king may know what to decree for the public good; it being understood that the king is not allowed to make a decision about any matter without hearing the opinion of this council. But if it turns out, as it generally will, that the council is divided in opinion even after discussing the same matter two or three times, the different opinions must be submitted to the king without further delay. How this must be done I shall show in Section 25 of this Chapter.

18. It should also be the duty of this council to publish the king's ordinances or decrees, to attend to his decisions about public affairs, and to supervise in his name the whole administration of the state.

19. The citizens should have no access to the king except through this council, to which all requests or written petitions must be submitted for transmission. In like manner the ambassadors of other commonwealths should not be given permission to address the king except by application to this council. Letters sent to the king from foreign parts must also be transmitted through this council; in short, the king must be regarded as the mind of the commonwealth, and this council as the outer sense organs or body through which that mind

[1] The stadtholders had originally the right to appoint the magistrates of a town from a list of candidates presented by the town. See F. M. Janiçon, *État Présent de la République des Provinces-Unies*, 1755, vol. i, ch. x, p. 245. Cf. Temple, op. cit., ch. ii, pp. 60 and 82.

mentis sensus externi seu civitatis corpus, per quod mens civitatis statum concipit, et id agit quod sibi optimum esse decernit.

20. Cura filios regis educandi huic etiam concilio incumbat, et etiam tutela si rex successore infante seu puero relicto obiit. Sed ne tamen concilium interea temporis sine rege sit, ex nobilibus civitatis senior eligendus, qui regis locum suppleat donec legitimus successor eo aetatis pervenerit quo imperii onus sustinere possit.

21. Hujus concilii candidati ii sint qui regimen, fundamenta, et statum seu conditionem civitatis cujus subditi sunt norint. At qui jurisperiti locum occupare vult, is praeter regimen et conditionem civitatis cujus subditus est, aliarum etiam cum quibus commercium aliquod intercedit scire debet. Sed nulli nisi qui ad quinquagesimum aetatis annum nullo convicti crimine pervenerint in catalogum eligendorum referendi sunt.

22. In hoc concilio nihil de rebus imperii concludendum nisi praesentibus omnibus membris: quod si aliquis morbi aut alia de causa adesse nequeat, aliquem ex eadem familia, qui eodem officio functus vel qui in catalogum eligendorum relatus est, in ipsius locum mittere debet. Quod si nec hoc fecerit, sed quod concilium propter ejus absentiam rem aliquam consulendam in diem differre coactus fuerit, summa aliqua pecuniae sensibili mulctetur. Sed hoc intelligendum quando quaestio est de re quae integrum imperium spectat, videlicet de bello et pace, de jure aliquo abrogando vel instituendo, de commercio, etc. Sed si quaestio sit de re quae unam aut alteram urbem spectet, de libellis supplicibus, etc., satis erit si major concilii pars adsit.

23. Ut inter familias aequalitas in omnibus, et ordo sedendi, proponendi, et dicendi habeatur, vices servandae sunt, ut singulae singulis sessionibus praesideant, et quae hac sessione prima, sequenti ultima sit. Sed eorum qui ejusdem familiae sunt is primus sit qui prior electus fuerit.

24. Hoc concilium quater ad minimum in anno convocetur, ut rationem administrationis imperii a ministris exigant, ut rerum statum

1. *NS of als het lighaam der Burgerschap*; *Gf seu civitatis corpus*; *OP ceu.*

1–2. *NS daar door de ziel de Stant van de Burgerschap bevat, en het geen doet*; *OP per quod mens civitatis statum concipit, et per quod mens id agit.* I delete the second *per quod mens* as a duplication of the first.

27. *NS zo moet men in dier voegen beurten houden, dat* suggests *vices ita servandae sunt ut.* But cf. p. 332, ll. 1–2.

perceives the state of the commonwealth, and does what it decides to be best for itself.

20. Responsibility for educating the king's sons should also rest on this council, and likewise the duty of guardianship if the king dies and leaves a minor as his heir.[1] But the council must not be left without a king during the minority; and so the senior nobleman in the commonwealth must be appointed to act as king until the rightful successor is old enough to bear the burden of sovereignty.

21. Candidates for election to this council should be acquainted with the government, the fundamental laws, and the state or condition of their own commonwealth; but the man who aspires to serve on it as a lawyer must also be familiar with the government and condition of the other commonwealths which have any dealings with his own. But only men who have reached their fiftieth year without being convicted of any crime must be placed on the roll of candidates.

22. No decision must be taken in this council about affairs of state unless all its members are present. If through illness or some other cause a counsellor is unable to attend, he must send someone from the same tribe in his place, either an ex-counsellor or an accepted candidate for the office. If he fails to do so, and the council is forced to defer consideration of any matter on account of his absence, he should be heavily fined. But this, of course, applies only when a matter affecting the whole state is under discussion, i.e. when it is a question of war and peace, of repealing or passing some law, of commercial relations, etc. If the matter under discussion affects one or two cities only, if it concerns written petitions, etc., it will be sufficient if the greater part of the council is present.

23. In order that the tribes may have an order of sitting, making proposals, and speaking, and still remain completely equal, they must follow a system of rotation, so that one presides at one session and another at another, and the tribe which takes precedence at one session is last at the next. Among counsellors from the same tribe precedence should be given to the one who was appointed first.[2]

24. This council should be summoned at intervals—at least four times a year[3]—to ask the ministers for an account of their administration, to learn the condition of affairs, and to consider if any new

[1] The education of the future William III ('the child of the state') was entrusted to loyal republicans by Jan de Witt.

[2] In the States General each Province presided in turn under its senior deputy (Janiçon, op. cit., vol. i, ch. ii, pp. 76–77).

[3] The Estates of Holland met four times a year (Temple, op. cit., ch. ii, p. 65).

noscant, et si quid praeterea statuendum sit videant. Nam adeo magnum civium numerum negotiis publicis continuo vacare impossibile videtur. Sed quia negotia publica interim exerceri nihilominus debent, ideo ex hoc concilio quinquaginta aut plures eligendi sunt, qui soluto concilio ejus vicem suppleant, quique quotidie congregari debeant in cubiculo quod regio sit proximum, atque adeo quotidie curam habeant aerarii, urbium munimentorum, educationis filii regis, et absolute eorum omnium magni concilii officiorum quae modo enumeravimus, praeterquam illud, quod de rebus novis de quibus nihil decretum est consulere non possint.

25. Congregato concilio, antequam aliquid in eo proponatur, quinque aut sex aut plures jurisperiti ex familiis quae illa sessione ordine loci priores sunt, regem adeant, ut libellos supplices vel epistolas, si quas habent, tradant, ut rerum statum indicent, et denique ut ex ipso intelligant quid in suo concilio proponere jubeat. Quo accepto concilium repetant, et qui ordine loci prior est rem consulendam aperiat. Nec de re suffragia statim colligenda quae aliquibus videtur alicujus esse momenti, sed in id tempus differenda quod rei necessitas concedit. Concilio igitur ad id statutum tempus soluto, poterunt interea uniuscujusque familiae consiliarii de ipsa seorsum quaestionem habere, et, si res iis magni momenti videbitur, alios qui eodem officio functi vel qui ejusdem concilii candidati sunt consulere; et si intra constitutum tempus inter ipsos convenire non poterit, illa familia extra suffragium erit; nam unaquaeque familia unum tantum ferre suffragium poterit. Alias ejus familiae jurisperitus instructus sententiam quam optimam judicaverint esse in ipso concilio ferat, et sic reliqui; et si majori parti visum fuerit post auditas cujusque sententiae rationes rem iterum perpendere, concilium iterum in tempus solvatur, ad quod unaquaeque familia quaenam ultima ejus sit sententia pronunciabit; et tum demum praesente integro concilio suffragiis collectis ea irrita habeatur quae centum ad minimum suffragia non habuerit, reliquae autem ad regem deferantur

22–23. *NS en indien zy . . . niet met malkander konnen verdragen.* Cf. p. 296, l. 20.

decisions need to be made. For that such a large number of citizens should be constantly available for administrative duties seems quite impossible. But since continuous administration is in fact required, fifty or more members of this council must be appointed to carry on its work when it has adjourned.[1] These should meet every day in a chamber next to the king's, and so exercise a daily supervision over the treasury, the defences of the cities,[2] the education of the king's heir, and, in general, perform all the functions of the great council which I have just enumerated; with this exception, that they should have no power to deal with fresh matters on which no decision has been made.

25. When the council has assembled, no matter must be proposed for discussion until five or six or more lawyers from the tribes which are first in order of precedence at that session have had audience with the king, laid before him any written petitions or letters which they have received, informed him about the condition of affairs, and, finally, learnt from his own lips what business he requires them to bring up in his council. When they have received his instructions they should return to the council-chamber, and the first in order of precedence should explain the matter to be decided. If some of the members think it important, it must not be put to the vote at once, but deferred for such time as its urgency allows. The council must therefore be adjourned until the date fixed, and in the meantime the counsellors of each tribe will have an opportunity to discuss it among themselves, and, if they think it of vital importance, to consult ex-counsellors and candidates from their own tribe. If they cannot reach agreement among themselves within the time appointed, their tribe shall be debarred from voting, for each tribe shall be allowed to cast one vote only. Otherwise they shall brief their lawyer in the opinion which they all think best, and he shall present it in the actual assembly. The lawyers of the other tribes shall do likewise; and if, after hearing the reasons for each opinion, the majority decides to reconsider the matter, the council should be adjourned again until a later date, when each tribe shall deliver its final opinion; and only then, when the whole council is present, should the vote be taken. Any opinion which does not receive at least a hundred votes should be disregarded; the others

[1] In Holland day-to-day administration was carried on by the *Gecommitteerde Raden*, who represented the Estates of the Province when these were not in session. See Temple, op. cit., ch. ii, p. 65, and J. J. de la Bassecour Caan, *Schets van den Regeringsvorm van Nederland*, 1866, p. 156.

[2] These were also functions of the *Gecommitteerde Raden* (de la Bassecour Caan, op. cit., p. 157).

a jurisperitis omnibus qui concilio interfuerunt, ut ex iis, postquam uniuscujusque partis rationes intellexerit, quam velit eligat. Atque inde digressi ad concilium revertantur, ubi omnes regem ad constitutum ab ipso tempus exspectent, ut quam sententiam ex latis eligendam censet omnes audiant, et quid faciendum ipse decernat.

26. Ad justitiam administrandam concilium aliud ex solis jurisperitis est formandum, quorum officium sit lites dirimere, et poenas ex delinquentibus sumere; sed ita ut omnes sententiae quas tulerint ab iis qui concilii magni vicem supplent probari debeant, num scilicet servato rite in judicando ordine prolatae fuerint et absque partium studio. Quod si quae pars, quae causa cecidit, ostendere poterit aliquem ex judicibus munere aliquo corruptum fuisse ab adversario, vel aliam communem causam amicitiae erga eundem, vel odii erga ipsum habere, vel denique quod communis judicandi ordo non fuerit servatus, ea in integrum restituatur. Sed haec forsan observari non possent ab iis qui, quando quaestio de crimine est, non tam argumentis quam tormentis reum convincere solent. Verum nec ego hic alium in judicando ordinem concipio praeter eum qui cum optimo civitatis regimine convenit.

27. Hi judices magno etiam et impari numero esse debent, nempe sexaginta et unus aut quinquaginta et unus ad minimum; et ex una familia non nisi unus eligendus, nec tamen ad vitam, sed ut quotannis etiam aliqua ejus pars cedat, et alii totidem eligantur, qui ex aliis sint familiis, quique ad quadragesimum aetatis annum pervenerint.

28. In hoc concilio nulla sententia pronuncianda nisi praesentibus omnibus judicibus. Quod si aliquis morbi aut alterius rei causa diu concilio interesse non poterit, alius ad id tempus eligendus qui ipsius locum suppleat. In suffragiis autem ferendis debebit unusquisque sententiam suam non palam dicere, sed calculis indicare.

29. Hujus et praecedentis concilii vicariorum emolumenta sint primo bona eorum qui mortis damnati sunt ab ipsis, et etiam eorum qui summa

4. *NS die hem voorgedragen zijn.* Perhaps the correct reading is *delatis.*

11. *NS op dat*, i.e. *ut*, for *Quod.*

15–19. *Sed . . . convenit* not in *NS.*

24. *OP quadragesimum*; *NS en d' ouderdom van vijftig jaren bereikt hebben*, i.e. *quinquagesimum.*

30–31. *NS zullen zijn voorëerst de goederen*; *OP sint primo. V–L* saw that *bona* had dropped out, and inserted it before *primo.* But *NS* suggests *primo bona. Primo* is answered, not by *etiam* in l. 31, but by *Deinde* on p. 330, l. 1: first the emoluments from criminal cases, then those from civil suits. Cf. p. 404, ll. 20–24, where the order is reversed.

should be submitted to the king by all the lawyers who have attended the council, so that he may hear the reasons of each party and decide which opinion he favours. The lawyers should then return to the council-chamber, where all should wait upon the king at a time fixed by himself, so that they may all hear which of the opinions presented he has decided to adopt, and he may decree in person the measures to be taken.[1]

26. To administer justice there must be another council composed entirely of lawyers. Its duty should be to decide lawsuits and to punish criminals; but all its verdicts must be confirmed by those who are acting as deputies for the great council, i.e. reviewed to see that they have been given with due regard to regular judicial procedure and without partiality. If a party who has lost his case shall be able to show that a judge has been bribed by his opponent, or that a judge has some general reason for friendship to his opponent, or for hatred against himself, or, finally, that the regular judicial procedure has not been observed, the judgement against him must be quashed. It may be that these regulations could not be observed by those who use torments instead of arguments to convict defendants on criminal charges; but I for my part am here considering no other judicial procedure than that which is consistent with the good government of a commonwealth.

27. The number of these judges should be not only large, like the number of counsellors, but also uneven, i.e. sixty-one or fifty-one at least. No more than one judge must be appointed from each tribe; he must not serve for life, but here again a certain proportion of the council should retire annually, and be succeeded by a like number of lawyers from other tribes who have reached their fortieth year.

28. No verdict must be pronounced in this council unless all the judges are present. If a judge is compelled by illness or other causes to absent himself from the council for a long period of time, another must be appointed for that time to take his place. In voting each judge shall be required to give his verdict by secret and not by open ballot.

29. The remuneration of this council and of the above-mentioned council of deputies should be as follows. First they should receive the goods of those they have condemned to death and the fines imposed on

[1] In the Estates of Holland each town, though it had several deputies, had only one vote (Temple, op. cit., ch. ii, pp. 63 and 65), and the lawyer or pensionary acted as spokesman for the deputies of his town (de la Bassecour Caan, op. cit., p. 142). Again, the Estates could be adjourned to allow deputies to return home for further consultations (Temple, op. cit., ch. ii, p. 66). But by basing representation on tribes and not on towns Spinoza gives the larger towns more votes than the smaller.

quadam argenti plectuntur. Deinde ex unaquaque sententia quam de rebus civilibus tulerint, ab eo qui causa cecidit pro ratione totius summae partem aliquotam accipiant, qua utrumque concilium gaudeat.

30. His conciliis alia subordinentur in unaquaque urbe, quorum etiam membra ad vitam eligi non debent; sed etiam quotannis pars aliqua eligenda ex solis familiis quae in eadem habitant. Sed opus non est haec latius persequi.

31. Militiae stipendia nulla solvenda tempore pacis; tempore autem belli iis tantummodo quotidiana stipendia danda qui quotidiano opere vitam sustentant. At duces et reliqui officiarii cohortium nulla alia emolumenta ex bello exspectanda habeant praeter hostium praedam.

32. Si quis peregrinus alicujus civis filiam in uxorem duxerit, ejus liberi sunt cives censendi et in catalogo familiae matris inscribendi. Qui autem ex peregrinis parentibus in ipso imperio nati et educati sunt, iis constituto aliquo pretio jus civis ex chiliarchis alicujus familiae emere liceat, et in catalogum ejusdem familiae referantur. Nec imperio, tametsi chiliarchae lucri causa aliquem peregrinum infra constitutum pretium in numerum suorum civium receperint, aliquod inde detrimentum oriri potest; sed contra media excogitanda quibus facilius civium augeri possit numerus, et magna hominum detur confluentia. At qui in catalogum civium non referuntur, aequum est ut tempore saltem belli otium suum labore aut exactione aliqua compensent.

33. Legati qui tempore pacis ad alias civitates pacis contrahendae vel conservandae causa mitti debent, ex solis nobilibus eligendi sunt, et ex civitatis aerario sumptus iisdem suppeditandi, non autem ex regis domestico aerario. Sed tales speculatores eligendi sunt qui regi periti videbuntur.

34. Qui aulam frequentant, et regis domestici sunt, quibusque ex suo aerario domestico stipendia solvit, ab omni civitatis ministerio seu officio secludendi sunt. Dico expresse *quibus rex ex aerario suo domestico stipendia solvit*, ut corporis custodes ab iisdem secludam. Nam corporis custodes nulli praeter cives ejusdem urbis in aula, servatis vicibus, vigilare pro rege ante fores debent.

35. Bellum non nisi pacis causa inferendum, ut eo finito arma cessent.

1–2. *NS van burgerlijke zaken, die 't lijf niet aangaan.*

26–27. *Sed . . . videbuntur* not in *OP*. This is *L*'s translation of the *NS* text: *Maar men moet zodanige bespieders verkiezen, die aan de Koning bequaam zullen schijnen.*

offenders. Secondly, as a fee for every verdict given in civil suits, they should receive from the man who has lost his case a certain proportion of the whole sum involved, and this should be enjoyed by both councils.

30. Other councils subordinate to these should be appointed in each city, and their members should not be elected for life either; but here again a certain proportion must be chosen each year, exclusively from the tribes which inhabit the city in question. But there is no need to discuss this in greater detail.[1]

31. No payment for military service must be made in time of peace; in war-time a daily wage must be given only to those who support life by their daily toil. But commanders and other company officers should have no gain to expect from war but the booty they win from the enemy.

32. If an alien marries the daughter of a citizen, his children must be regarded as citizens and enrolled in their mother's tribe. Those who are of alien parentage on both sides, but have been born and brought up within the territory of the state, should be permitted to acquire citizen status by paying a fixed sum of money to the officers of some tribe, and should be enrolled in that tribe. Even if an alien does bribe these officers to admit him as a citizen at less than the appointed fee, this can do no harm whatever to the state; on the contrary, means must be devised so that the number of citizens may be more readily increased, and a great influx of population secured.[2] It is only fair, however, that those who are not inscribed on the citizen roll should, in war-time at any rate, make up for their exemption from military duties by performing some sort of service or paying some sort of tax.

33. Ambassadors who have to be sent to other commonwealths in time of peace, either to conclude peace or to maintain it, must be chosen exclusively from the nobles, and have their expenses provided from the treasury of the commonwealth, not from the king's privy purse. But secret agents must be chosen from such as appear suitable to the king.

34. Those who live at court, serve in the king's household, and are paid by the king from his own privy purse, must be debarred from holding any magistracy or office in the commonwealth. I say 'those who are paid by the king from his own privy purse' expressly, in order to exclude the king's body-guard. For none but citizens of the capital city must serve as his body-guard and take turns at keeping watch in the palace before the king's doors.

35. The sole object of warfare should be to secure peace, so that the

[1] Each town in Holland had a council and a law-court (Temple, op. cit., ch. ii, pp. 57–60).

[2] Machiavelli, *Discourses* i, 6 and ii, 3; Bacon, *Essay* xxix.

Urbibus igitur jure belli captis, et hoste subacto, pacis conditiones instituendae sunt ut captae urbes nullo praesidio servari debeant; sed vel ut hosti, pacis foedere accepto, potestas concedatur easdem pretio redimendi, vel—si ea ratione timor semper a tergo maneat formidine loci—prorsus delendae sunt, et incolae alio locorum ducendi.

36. Regi nullam extraneam matrimonio sibi jungere, sed tantum ex consanguineis vel civibus aliquam in uxorem ducere liceat; ea tamen conditione, si scilicet civem aliquam duxerit, ut qui uxori sanguine sint proximi nullum civitatis officium administrare possint.

37. Imperium indivisibile esse debet. Si igitur rex plures liberos procreaverit, illorum major natu jure succedat; minime autem concedendum ut imperium inter ipsos dividatur, nec ut indivisum omnibus vel aliquibus tradatur, et multo minus ut partem imperii dotem filiae dare liceat. Nam filias in haereditatem imperii venire nulla ratione concedendum.

38. Si rex liberis masculis orbus obierit, ille qui ipsi sanguine proximus haeres imperii habendus, nisi forte uxorem extraneam duxerit quam repudiare nolit.

39. Ad cives quod attinet, patet ex Art. 5 Cap. 3 eorum unumquemque ad omnia regis mandata sive edicta a concilio magno promulgata (vide de hac conditione Art. 18 et 19 hujus Capitis) obtemperare debere, tametsi eadem absurdissima credat, vel jure ad id cogi. Atque haec imperii monarchici fundamenta sunt, quibus superstrui debet, ut stabile sit, quemadmodum in seq. Cap. demonstrabimus.

40. Ad religionem quod attinet, nulla plane templa urbium sumptibus aedificanda, nec jura de opinionibus statuenda, nisi seditiosae sint et civitatis fundamenta evertant. Ii igitur quibus religionem publice exercere conceditur, templum, si velint, suis sumptibus aedificent. At rex ad religionem cui addictus est exercendam templum in aula sibi proprium habeat.

1–2. *NS zodanige voorwaarden van vrede* suggests *pacis conditiones ita instituendae sunt.* But cf. p. 324, ll. 27–28.

4–5. *NS of indien men, uit vrees van de plaats, altijt in schrik zou blijven*, i.e. *si timor semper maneat formidine loci.*

14. For *filias NS* has *een dochter.*

sword may be sheathed when the war is over. Thus when cities have been captured by the right of war, the terms which are arranged on the final defeat of the enemy should obviate the need to hold them by garrison; the enemy should either be allowed to redeem them for a money payment once he has accepted the peace treaty, or else—if their position is formidable, and this policy would therefore leave a constant threat in the rear—they must be utterly destroyed, and their inhabitants removed elsewhere.[1]

36. The king should not be allowed to marry an alien, but only a kinswoman or fellow citizen;[2] and his marriage to a citizen should debar his wife's nearest kinsmen from holding any office in the commonwealth.

37. The state must be indivisible. If, therefore, the king has more than one son, the eldest should succeed by right. What must not be permitted is that the state should be divided among them, or that it should be handed on undivided to all or some of them; and still less should the king be allowed to give part of the state to a daughter as a dowry. For daughters cannot possibly be permitted to succeed to the throne.

38. If the king dies without male issue, his nearest kinsman must be regarded as heir to the throne, unless he happens to have married an alien and refuses to divorce her.

39. As for the citizens, it is clear from Chapter 3, Section 5, that each of them is bound to obey all the commands or edicts of the king that have been published by the great council (for this condition see Sections 18 and 19 of this Chapter), even though he regards them as utterly foolish; or be compelled to do so by right. Such are the foundations on which a monarchy must rest if it is to be stable, as I shall show in the next Chapter.

40. As regards religion, no churches whatsoever are to be built at the cities' expense; nor should laws be passed against religious beliefs unless they are seditious and radically subversive.[3] Thus those who are permitted to practise their religion openly may, if they wish, build a church at their own expense.[4] That the king may practise the religion which he favours he should have a chapel of his own in the palace.

[1] Machiavelli, *Prince* iii; *Discourses* ii, 23.

[2] The Doges of Venice were subject to a similar restriction: see *Mémoires historiques et politiques sur la République de Venise*, 1795, vol. ii, ch. v, p. 197. But Spinoza probably has in mind the connexion between the House of Orange and the British House of Stuart, which had brought autocracy to the Netherlands under William II, who married the daughter of Charles I, and might bring Catholicism under William III, who in 1676 was suing for the hand of Mary, daughter of the future James II.

[3] *TT-P* xx, p. 233.

[4] Temple, op. cit., ch. v, p. 124.

# CAPUT VII

1. Imperii monarchici fundamentis explicatis, eadem hic ordine demonstrare suscepi; ad quod apprime notandum est praxi nullo modo repugnare quod jura adeo firma constituantur quae nec ab ipso rege aboleri queant. Persae enim reges suos inter deos colere solebant, et tamen ipsi reges potestatem non habebant jura semel instituta revocandi, ut ex Dan. Cap. 6 patet; et nullibi, quod sciam, monarcha absolute eligitur, nullis expressis conditionibus. Imo nec rationi nec obedientiae absolutae quae regi debetur repugnat; nam fundamenta imperii veluti regis aeterna decreta habenda sunt, adeo ut ejus ministri ei omnino obediant, si, quando aliquid imperat quod imperii fundamentis repugnat, mandata exequi velle negent. Quod exemplo Ulissis clare explicare possumus. Socii enim Ulissis ipsius mandatum exequebantur, quando navis malo alligatum et cantu Syrenum mente captum religare noluerunt, tametsi id modis multis minitando imperabat; et prudentiae ejusdem imputatur quod postea sociis gratias egerit quod ex prima ipsius mente ipsi obtemperaverint. Et ad hoc Ulissis exemplum solent etiam reges judices instruere, ut scilicet justitiam exerceant, nec quenquam respiciant, nec ipsum regem, si quid singulari aliquo casu imperaverit quod contra institutum jus esse noverint. Reges enim non dii, sed homines sunt, qui Syrenum capiuntur saepe cantu. Si igitur omnia ab inconstanti unius voluntate penderent, nihil fixum esset. Atque adeo imperium monarchicum, ut stabile sit, instituendum est ut omnia quidem ex solo regis decreto fiant, hoc est, ut omne jus sit regis explicata voluntas; at non ut omnis regis voluntas jus sit. De quo vide Art. 3, 5, et 6 praec. Cap.

2. Deinde notandum quod in jaciendis fundamentis maxime humanos affectus observare necesse est, nec ostendisse sufficit quid oporteat fieri, sed apprime quî fieri possit ut homines, sive affectu sive ratione ducantur, jura tamen rata fixaque habeant. Nam si imperii jura, sive libertas publica, solo invalido legum auxilio nitatur, non tantum nulla ejus obtinendae erit civibus securitas, ut Art. 3 Cap.

4. *NS onder de Goden zelven*, i.e. *inter ipsos deos.*

6. *G Cap. 6*; *OP Cap. 5*; *NS uit Daniëls vijfde Hooftdeel. B* noted the false reference and read *ut ex Daniele patet.*

22. *NS moet . . . in dier voegen ingestelt worden.* Cf. p. 324, ll. 27–28, and p. 332, ll. 1–2.

# CHAPTER VII

1. Having described the fundamental laws of monarchy, I must now fulfil my promise to justify them one by one. The main point to be noted is that it is by no means contrary to practice for laws to be so firmly established that even the king himself cannot repeal them. The Persians, for example, used to worship their kings as gods,[1] yet even their kings had no power to repeal laws that had once been established, as is clear from Daniel, Chapter 6; and nowhere, so far as I know, is a king appointed unconditionally, without any explicit terms.[2] This, in fact, is contrary neither to reason nor to the absolute obedience due to a king; for the fundamental laws of the state must be regarded as the king's permanent decrees, so that his ministers render him complete obedience in refusing to execute any command of his which contravenes them. We may clarify this point by reference to Ulysses, whose comrades did execute his command in refusing, in spite of all his orders and threats, to untie him from his ship's mast while he was enchanted by the Sirens' song;[3] and it is put down to his good sense that he thanked them afterwards for carrying out his original intention so obediently. Even kings follow the example of Ulysses; they usually instruct their judges to have no respect for persons in administering justice, not even for the king himself, if by some odd mischance he commands something which they know to contravene established law. For kings are not gods, but men, who are often enchanted by the Sirens' song. Accordingly, if everything depended on the inconstant will of one man, nothing would be stable.[4] Hence if a monarchy is to be stable it must be organized so that everything is done by the king's decree alone (i.e. every law is the king's declared will), but not everything the king wills is law. On this see Sections 3, 5, and 6 of the previous Chapter.

2. The second point to be noted is this. In laying down fundamental laws it is necessary to pay particular attention to human passions. To have shown what ought to be done is not enough; the main problem is to show how it can be done, i.e. how men, even when led by passion, may still have fixed and stable laws.[5] If civil right, or public liberty, has no basis but the slender support of legal prescriptions, it will not only be very difficult for the citizens to maintain, as I have shown in

1 *TT-P* xvii, p. 157.
2 *TP* iv, 6 and n. 3, p. 305.
3 *Odyssey* xii, 156 and ff.
4 *TP* i, 6, p. 265.
5 *TT-P* xvii, p. 153.

praec. ostendimus, sed etiam exitio erit. Nam hoc certum est, nullam civitatis conditionem miseriorem esse quam optimae quae labascere incipit, nisi uno actu et ictu cadat et in servitutem ruat,—quod sane impossibile videtur esse; ac proinde subditis multo satius esset suum jus absolute in unum transferre quam incertas et vanas, sive irritas libertatis conditiones stipulari, atque ita posteris iter ad servitutem crudelissimam parare. At si imperii monarchici fundamenta quae in praec. Cap. retuli firma esse ostendero, nec divelli posse nisi cum indignatione maximae partis armatae multitudinis, et ex iis regi et multitudini pacem et securitatem sequi, atque haec ex communi hominum natura deduxero, dubitare nemo poterit eadem optima esse et vera, ut patet ex Art. 9 Cap. 3 et Art. 3 et 8 praec. Cap. Quod autem hujus illa naturae sint quam paucis potero ostendam.

3. Quod officium ejus qui imperium tenet sit imperii statum et conditionem semper noscere, et communi omnium saluti vigilare, et id omne quod majori subditorum parti utile est efficere, apud omnes in confesso est. Cum autem unus solus omnia perlustrare nequeat, nec semper animum praesentem habere, et ad cogitandum instituere, et saepe morbo aut senectute aut aliis de causis rebus vacare publicis prohibeatur, necesse ergo est ut monarcha consiliarios habeat qui rerum statum noscant, et regem consilio juvent, et ipsius locum saepe suppleant; atque adeo fiat ut imperium seu civitas una semper eademque mente constet.

4. Sed quia cum humana natura ita comparatum est ut unusquisque suum privatum utile summo cum affectu quaerat, et illa jura aequissima esse judicet quae rei suae conservandae et augendae necessaria esse, et alterius causam eatenus defendat quatenus rem suam eo ipso stabilire credit, hinc sequitur consiliarios necessario debere eligi quorum privatae res et utilitas a communi omnium salute et pace pendeant. Atque adeo patet quod, si ex unoquoque civium genere sive classe aliquot eligantur, id majori subditorum parti utile erit quod in hoc concilio plurima habuerit suffragia. Et quamvis hoc concilium, quod ex adeo magno civium numero componitur, frequentari necessario debeat a multis rudi admodum ingenio, hoc tamen certum est, unumquemque in negotiis quae diu magno cum affectu exercuit satis callidum atque

10. *NS van de gemene natuur der menschen*, i.e. *ex communi hominum natura*; *OP ex communi natura*. For the order of words cf. p. 436, ll. 17–18, *communi hominum affectu*; see also ll. 15 and 29 below.

19. *P vacare*; *OP vocare*.

Section 3 of the previous Chapter, but will actually prove their undoing. For when a good commonwealth is beginning to decline, but does not do the impossible by collapsing completely at the first blow and throwing itself into its chains, its condition is certainly the most wretched of all; and so it would be far better for subjects to transfer their right to one man unconditionally than to insist upon untrustworthy and empty, i.e. useless guarantees of freedom, and thus prepare the way for the brutal oppression of their descendants. But if I prove that the foundations of monarchy described in the previous Chapter are strong; that they cannot be destroyed without arousing indignation in the bulk of an armed populace; that they provide peace and security for both king and people; and deduce all this from the common nature of men; then no one will be able to doubt that they are good and true foundations, as is clear from Chapter 3, Section 9, and from Sections 3 and 8 of the previous Chapter. That they *are* of this nature I shall now show as briefly as I can.

3. That it is the duty of the sovereign to acquaint himself constantly with the position and condition of the state, to watch over the common welfare, and to do everything that is for the benefit of the majority of his subjects, is universally admitted. But since one man cannot supervise everything by himself, cannot always have his wits about him and apply himself to deliberation, but is often prevented from attending to public affairs by illness or age or other causes, a king needs counsellors to find out the condition of affairs, to help him with advice, and often to act as his deputies;[1] this that the policy of the state may always be stable and consistent.

4. But human nature is such that everyone pursues his private advantage with the greatest eagerness, regards the laws which he thinks necessary for the preservation and promotion of his own interests as entirely fair, and defends another's cause if—but only if—he believes that by so doing he is strengthening his own position. It is therefore necessary to appoint counsellors whose private interests and advantage are bound up with the general welfare and the maintenance of peace. So if some are chosen from each class or group of citizens, the measure which receives most votes in their council will obviously be to the advantage of the majority of the subjects. And although this council, composed as it is of so large a number of citizens, must inevitably be attended by many whose minds are very uncultivated, surely everyone is fairly competent and shrewd in matters to which he has long applied

1 Aristotle, *Politics* 1287$^{b}$ 8–9.

astutum esse. Quapropter si nulli alii eligantur nisi ii qui ad quinquagesimum aetatis annum usque negotia sua sine ignominia exercuerunt, satis apti erunt ut consilia res suas concernentia dare possint, praesertim si in rebus majoris ponderis tempus ad meditandum concedatur. Adde quod longe abest ut concilium quod paucis constat a similibus non frequentetur. Nam contra maxima ejus pars ex hominibus ejusmodi constat, quandoquidem unusquisque ibi maxime conatur socios habere bardos qui ab ipsius ore pendeant; quod in magnis conciliis locum non habet.

5. Praeterea certum est unumquemque malle regere quam regi; nemo enim volens imperium alteri concedit, ut habet Sallustius in prima ad Caesarem oratione. Ac proinde patet quod multitudo integra nunquam jus suum in paucos aut unum transferet, si inter ipsam convenire possit, nec ex controversiis quae plerumque in magnis conciliis excitantur in seditiones ire; atque adeo multitudo libere id tantummodo in regem transfert quod absolute in potestate ipsa habere nequit, hoc est, controversiarum diremptionem et in decernendo expeditionem. Nam quod saepe etiam fit ut rex belli causa eligatur, quia scilicet bellum a regibus multo felicius geritur, inscitia sane est, nimirum quod, ut bellum felicius gerant, in pace servire velint; si quidem pax eo in imperio potest concipi, cujus summa potestas sola belli causa in unum translata est, qui propterea virtutem suam et quid omnes in ipso uno habeant maxime in bello ostendere potest; cum contra imperium democraticum hoc praecipuum habeat quod ejus virtus multo magis in pace quam in bello valet. Sed quacunque de causa rex eligatur, ipse solus, ut jam diximus, quid imperio utile sit scire nequit; sed ad hoc, ut in praec. Art. ostendimus, necesse est ut plures cives consiliarios habeat. Et quia concipere nequaquam possumus quod aliquid de re consulenda potest concipi quod tam magnum hominum numerum effugerit, sequitur quod praeter omnes hujus concilii sententias quae ad regem deferuntur, nulla poterit concipi ad populi salutem idonea. Atque adeo, quia populi salus suprema lex, seu regis summum jus est, sequitur jus regis esse unam ex latis concilii sententiis eligere, non autem contra totius concilii mentem quicquam decernere vel sententiam ferre. Vide Art. 25 praeced. Cap.

7. *NS Jabroeders.*

10–11. *nemo . . . oratione* not in *NS*.

14. *NS en zo zy niet . . . tot beroerten uitbarst*; *M iret* or *irent*.

14–15. *NS de vrije menigte dit alleenlijk warelijk . . . overgeeft*, i.e. *multitudo libera id tantummodo . . . transfert*; *OP multitudo id libere tantummodo . . . transfert*.

20–21. *sola . . . propterea* not in *NS*.

31–32. *OP unam ex latis concilii sententiis eligere*; *NS een uit de gegeve gevoelens te verkiezen*, which suggests *unam ex datis sententiis eligere*. But cf. p. 362, l. 17, where *latas* is rendered by *gegeven*.

himself with enthusiasm. Hence if none are chosen but men who have practised their own trades without disgrace up to their fiftieth year, they will be well enough fitted to give advice about their own affairs, especially if they are allowed time to reflect in matters of greater importance. Besides, it is quite untrue that small councils are free from uneducated men. In fact they are largely composed of such men, for every member does his best to secure the appointment of slow-witted colleagues who will hang upon his lips. In large councils there is no opportunity for this.[1]

5. Again, it is certain that everyone would rather rule than be ruled; 'for nobody yields sovereignty to another willingly', as Sallust says in his first speech to Caesar.[2] Clearly, then, a whole people will never transfer its right to one man or a few if its members can agree among themselves and avoid falling into civil strife as a result of the controversies which often arise in large assemblies. Thus a people freely transfers to a king only what it cannot wholly command itself, viz., the power to settle disputes and to take rapid decisions. No doubt it is also common to appoint a king for purposes of war, on the ground that kings are far more successful in warfare. But surely it is foolish for men to embrace slavery in peace for the sake of better fortune in war; if, indeed, there can be any peace for a state where the sovereignty has been transferred to one man for purely military ends.[3] For it is in war that such a man can best display his prowess, and show what a unique asset he is to them all; whereas it is an outstanding feature of democracy that its merits are far greater in peace than in war. But whatever the reason for choosing a king, he cannot, as I have already said, know what is best for the state by himself; for this he must have a number of citizens as counsellors, as I have shown in the previous Section. And since it is quite impossible to imagine any conceivable opinion on a problem of policy being overlooked by so large a number of men, it will be impossible to imagine any opinion conducive to the people's welfare which is not included among those submitted to the king by this council. It follows that, since the people's welfare is the highest law, or the king's supreme right, the king's right is to choose one of the opinions presented in the council, and not to make any decree or pass any judgement contrary to the views of the entire council. See Section

[1] This is a reply to Hobbes's criticism of large councils in *De Cive* x, 10.

[2] Pseudo-Sallust, *Ad Caesarem Senem de Re Publica Oratio* i, 4 (quoted again in viii, 12, p. 379).

[3] *TT-P* xviii, p. 197. Spinoza rejects Hobbes's argument in *De Cive* x, 17: that kings make the best generals is an argument for peace rather than for monarchy.

Sed si omnes sententiae in concilio latae ad regem deferendae essent, fieri posset ut rex parvis urbibus, quae pauciora habent suffragia, semper faveret. Nam quamvis ex lege concilii statutum sit ut sententiae non indicatis earum authoribus deferantur, nunquam tamen tam bene cavere poterunt ut non aliqua effluat; ac proinde necessario statuendum est ut illa sententia quae centum ad minimum suffragia non habuerit irrita habeatur; quod quidem jus majores urbes summa vi defendere debebunt.

6. Atque hic, nisi brevitati studerem, magnas hujus concilii utilitates alias ostenderem; unam tamen quae maximi videtur esse momenti adducam, nempe quod nullum majus ad virtutem incitamentum dari potest hac communi spe summum hunc honorem adipiscendi. Nam gloria maxime ducimur omnes, ut in nostra Ethica fuse ostendimus.

7. Quin majori hujus concilii parti nunquam animus gerendi bellum, sed magnum pacis studium et amor semper futurus sit, dubitari non potest. Nam praeterquam quod ex bello ipsis timor semper erit bona sua cum libertate amittendi, accedit quod ad bellum novi sumptus requirantur quos suppeditare debent, ac etiam quod ipsorum liberi et affines, curis domesticis intenti, studium ad arma in bello applicare et militatum ire cogentur; unde domum nihil praeter gratuitas cicatrices referre poterunt. Nam, uti Art. 31 praeced. Cap. diximus, militiae stipendia nulla solvenda, et Art. 10 ejusdem Cap. ipsa ex solis civibus et ex nullis aliis formanda.

8. Ad pacem et concordiam aliud praeterea, quod etiam magni est momenti, accedit, nempe quod nullus civis bona fixa habeat. Vid. Art. 12 praeced. Cap. Unde omnibus ex bello par propemodum periculum est: nam omnes lucri causa mercaturam exercere, vel argentum suum invicem credere—si, ut olim ab Atheniensibus, lex lata sit qua prohibeatur unicuique argentum suum foenere aliis quam incolis dare,—atque adeo negotia tractare debebunt quae vel invicem intricata sunt,

19. *OP domum.* So Curtius VIII, vii, 11. *V-L donum* (perhaps a misprint).
20. *B Art.* 31; *OP Art.* 30; *NS in 't dartigste Lid.*
21. *B Art.* 10; *OP Art* 11; *NS volgens het elfde Lid.*

25 of the previous Chapter. Yet if every opinion presented in the council had to be submitted to the king, he might always favour the small cities, which have fewest votes.[1] For although it is laid down in the constitution of the council that opinions should be submitted without indication of their authors, it will never be possible to take such strict precautions that none whatever leaks out; and so there must be a law that any opinion which does not receive at least a hundred votes shall be disregarded; a law which the larger cities will necessarily uphold with all their power.

6. Were it not my aim to be brief, I should now point out other great advantages of this council; but I shall mention only the one which I regard as most important, namely, that no greater incentive to virtue can be provided than the general hope of attaining this high office.[2] For ambition is the main motive of man, as I have shown at length in my Ethics.[3]

7. That the majority in this council will never be enthusiastic for war, but will always have a great desire and love for peace, is not open to doubt. For not only will war always inspire in them the fear of losing both their goods and their freedom; it will also lay extra financial burdens upon them, and, in addition, compel their children and relatives, now busy with their private concerns, to apply their energies to arms and to go on campaigns; from which they can bring home nothing but unprofitable scars.[4] For, as I have said in Section 31 of the previous Chapter, no payment is to be made to the army, and, by Section 10 of the same Chapter, it must be composed of citizens alone.

8. Another thing which is of great importance in promoting peace and concord is the fact that no citizen is to have any real estate. See Section 12 of the previous Chapter. This means that the danger from war is practically the same for all; for if there is a law—like the one once passed by the Athenians[5]—forbidding them to lend money outside the country, their only means of gain will be to engage in trade[6] or make loans to their fellow subjects, and so they will have to deal with interests which are either interdependent or require the same

[1] The stadtholder could neutralize the votes of the larger cities of Holland by winning over the smaller (Temple, *Observations*, ch. ii, pp. 63–64). In Spinoza's monarchy a large city has more votes than a small one; but it is still necessary to prevent the king from accepting the proposal of a tiny minority.

[2] *TP* vii, 10, p. 343; viii, 30, p. 393.

[3] *E* iii, App. 44.

[4] Curtius, *Historiae Alexandri Magni* viii, vii, 11.

[5] Van Hove, *Polityke Weegschaal* iii, ii, 1, p. 505.

[6] By making his model monarchy a commercial state like the Dutch Republic Spinoza gives it an additional bias towards peace (cf. *TP* vii, 28, p. 361).

vel quae eadem media ut promoveantur requirunt. Atque adeo hujus concilii maximae parti circa res communes et pacis artes una plerumque eademque erit mens; nam, ut Art. 4 hujus Cap. diximus, unusquisque alterius causam eatenus defendit quatenus eo ipso rem suam stabilire credit.

9. Quod nemo unquam in animum inducet hoc concilium muneribus corrumpere dubitari non potest. Si enim aliquis ex tam magno hominum numero unum aut alterum ad se trahat, sane nihil promovebit; nam, uti diximus, sententia quae centum ad minimum suffragia non habuerit irrita est.

10. Quod praeterea hujus concilii semel stabiliti membra ad minorem numerum redigi non poterunt, facile videbimus si hominum communes affectus consideremus. Omnes enim gloria maxime ducuntur, et nullus est qui sano corpore vivit qui non speret in longam senectutem vitam trahere. Si itaque calculum ineamus eorum qui revera annum quinquagesimum aut sexagesimum aetatis attigerunt, et rationem praeterea habeamus magni istius concilii numeri qui quotannis eligitur, videbimus vix aliquem eorum qui arma ferunt dari posse qui non magna spe teneatur huc dignitatis ascendere; atque adeo omnes hoc concilii jus quantum poterunt defendent. Nam notandum quod corruptio, nisi paulatim irrepat, facile praevenitur; at quia facilius concipi potest, et minori invidia fieri, ut ex unaquaque familia quam ut ex paucis minor numerus eligatur, aut ut una aut alia secludatur, ergo (per Art. 15 praeced. Cap.) consiliariorum numerus non potest ad alium minorem redigi nisi simul ab eo una tertia, quarta, aut quinta pars auferatur; quae sane mutatio admodum magna est, et consequenter a communi praxi omnino abhorrens. Nec mora praeterea sive in eligendo negligentia timenda est, quia haec ab ipso concilio suppletur. Vid. Art. 16 praeced. Cap.

11. Rex igitur, sive multitudinis metu ductus, vel ut sibi armatae multitudinis majorem partem devinciat, sive animi generositate ductus, ut scilicet utilitati publicae consulat, illam semper sententiam quae plurima suffragia habuerit, hoc est (per Art. 5 hujus Cap.), quae imperii majori parti est utilior, firmabit, aut discrepantes sententias quae ad ipsum delatae sunt, si fieri potest, conciliare studebit, ut omnes ad se

9. *NS dat gevoelen, 't welk ten minsten geen hondert stemmen had*; *OP sententia quae ad summum centum ad minimum suffragia non habuerit.* *L* and *G* rightly delete *ad summum.*

23. *B per Art. 15*; *OP per Art. 14*; *NS volgens het veertiende Lid.*

28. *NS dewijl zulks van de Raatvergadering zelve goed gemaakt en uitgevoert zal worden.*

34. *NS of.* Hence *M aut. OP et.*

means for their furtherance.[1] Hence the majority of this council will generally be in agreement about their common concerns and activities in time of peace; for, as I said in Section 4 of this Chapter, one man defends the cause of another if he believes that by so doing he is strengthening his own position.

9. No one, it is certain, will ever think to bribe this council. For if anyone does win over one or two men out of so large a number, it will not help him in the least, since, as I said, an opinion which does not receive at least a hundred votes is disregarded.

10. When this council has once been established it will be impossible to reduce the number of its members; as we shall easily see by considering the common passions of men. Ambition is the chief motive of all men, and everyone in good bodily health looks forward to a long span of years. If, then, we calculate the number of men who actually reach their fiftieth or sixtieth year, and also consider the large proportion of this council which is appointed annually, we shall hardly find anyone among those who bear arms who is not possessed by high hopes of rising to this position; so they will all do their utmost to maintain the law governing election to the council.[2] Notice that any violation of it which is not gradual and unobtrusive is easily prevented. But a violation which reduces the quota of every tribe is more probable, and will cause less ill-feeling, than one which reduces or abolishes the quota of a few tribes only. It follows (by Section 15 of the previous Chapter) that the number of counsellors can only be reduced by the immediate removal of a third, fourth, or fifth of the council; a change which is obviously very great, and so wholly repugnant to current practice. And there is no need to fear delay or remissness in making appointments, since these are provided for by the council itself. See Section 16 of the previous Chapter.

11. The king, then, whether his motive for promoting the public interest is fear of the people, or desire to win over the bulk of the armed populace, or nobility of soul, will always do one of two things. Either he will ratify the opinion which has received most votes in the council, and is thus (by Section 5 of this Chapter) most advantageous to the majority; or he will try, if possible, to reconcile the different opinions submitted to him, in order to win everyone's support—his main

[1] This use of economic motives to secure harmony prompted Vico's sneer in *Scienza Nuova*, Book I, par. 335: 'Benedict Spinoza speaks of the commonwealth as of a society of shop-keepers.'

[2] *TP* viii, 30, p. 393.

trahat—qua in re nervos intendet suos,—et ut tam in pace quam in bello experiantur quid in ipso uno habeant; atque adeo tum maxime sui juris erit et imperium maxime habebit, quando maxime communi multitudinis saluti consulit.

12. Nam rex solus omnes metu continere nequit; sed ipsius potentia, ut diximus, nititur militum numero, et praecipue eorundem virtute et fide; quae semper inter homines tamdiu constans erit quamdiu indigentia, sive haec honesta, sive turpis sit, copulantur. Unde fit ut reges incitare saepius milites quam coercere, et magis eorum vitia quam virtutes dissimulare soleant, et plerumque, ut optimos premant, inertes et luxu perditos inquirere, agnoscere, pecunia aut gratia juvare, prehensare manus, jacere oscula, et omnia servilia pro dominatione agere. Ut itaque cives a rege prae omnibus agnoscantur, et quantum status civilis sive aequitas concedit sui juris maneant, necesse est ut militia ex solis civibus componatur, et ut ipsi a consiliis sint; et contra eos omnino subactos esse, et aeterni belli fundamenta jacere, simulatque milites auxiliares conduci patiuntur; quorum mercatura bellum est, et quibus in discordiis et seditionibus plurima vis.

13. Quod regis consiliarii ad vitam eligi non debeant, sed in tres, quatuor, vel quinque ad summum annos, patet tam ex Art. 10 hujus Capitis quam ex iis quae in Art. 9 hujus etiam Capitis diximus. Nam si ad vitam eligerentur, praeterquam quod maxima civium pars vix ullam spem posset concipere eum honorem adipiscendi, atque adeo magna inde inter cives inaequalitas, unde invidia et continui rumores et tandem seditiones orirentur—quae sane regibus dominandi avidis non ingratae essent,—magnam praeterea ad omnia licentiam (sublato scilicet succedentium metu) sumerent, rege minime adversante. Nam quo civibus magis invisi, eo magis regi adhaerebunt, eique ad adulandum magis proni erunt. Imo quinque annorum intervallum nimium adhuc videtur, quia eo temporis spatio non adeo impossibile factu videtur ut magna admodum concilii (quam etiam magnum sit) pars muneribus aut gratia corrumpatur. Atque adeo longe securius res sese habebit si

1. *et* not in *NS*.
4. *NS zal zorgen*, i.e. *consulet*.
7–8. *NS door zekere gemene behoeftigheit*, i.e. *indigentia aliqua communi*.
17. *NS zo haast als zy lijden dat men hulpbenden aanneemt*, i.e. *conduci*; *OP duci*.
27. *NS zo zouden zy . . . aan zich nemen*. Hence *L sumerent*. *OP sument*.

endeavour[1]—and prove his value to his subjects in peace as well as in war. He will thus be most fully possessed of his own right, and most firmly seated on his throne, when he gives most heed to the general welfare of his people.

12. For a king cannot keep all in awe by himself; his power, as I said, is based on the number of his troops, and, in particular, on their courage and loyalty; which will never last longer among men than the mutual need, whether honourable or base, which binds them together.[2] This is why kings usually encourage rather than restrain the excesses of their troops, and excuse their vices rather than their virtues;[3] very often, to oppress the good, they seek out idlers and wastrels for recognition, helping them with money or influence, clasping their hands, throwing them kisses, and, in general, licking their boots as the price of despotic power.[4] Thus to ensure that citizens stand higher than any others in their king's regard, and retain their own right as far as political order or justice permits, it is necessary that they alone should be his soldiers and his counsellors; whereas slavery and perpetual warfare are their inevitable lot as soon as they allow the king to engage mercenary troops; for war is the trade of such men, and their power is greatest amid discord and rebellion.[5]

13. That the king's counsellors should not be appointed for life, but for three, four, or five years at the most, is clear both from Section 10 and from my remarks in Section 9 of this Chapter. If they were appointed for life, most of the citizens could have very little hope of attaining this office,[6] and so there would arise great inequality among them, leading in turn to jealousy and continual murmurings and finally to revolts—which, of course, would not be unwelcome to kings eager for tyranny. Besides, the counsellors, being no longer restrained by fear of successors,[7] would assume a large measure of arbitrary power over everything, and this with little or no opposition from the king. For the more they are hated by the citizens, the more will they cling to the king, and the more subservient to him will they tend to become. In fact, even a five years' term of office appears to be rather long, since it does not seem completely impossible for a very great part of the council, however large, to be corrupted by bribes or favours in that space of time. Hence it will be much safer if two members from each tribe are

[1] Terence, *Eunuchus* 312.
[2] *TT-P* xvi, p. 131 (the binding force of contracts); cf. *TP* iii, 14, pp. 295–7.
[3] Tacitus, *Histories* ii, lxxxii, 1.
[4] Tacitus, *Histories* i, xxxvi, 2–3.
[5] Tacitus, *Histories* iv, i, 3.
[6] *TP* viii, 30, p. 393.
[7] *TP* vii, 21, p. 353.

quotannis ex unaquaque familia duo cedant et totidem iisdem succedant (si nimirum ex unaquaque familia quinque consiliarii habendi sunt), praeterquam eo anno quo juris prudens alicujus familiae cedit et novus ejus loco eligitur.

14. Rex praeterea nullus majorem sibi securitatem polliceri potest quam qui in hujusmodi civitate regnat. Nam praeterquam quod cito perit quem sui milites salvum esse nolunt, certum est regibus summum semper periculum esse ab iis qui eis proximi sunt. Quo igitur consiliarii numero pauciores, et consequenter potentiores sunt, eo regi majus ab ipsis periculum est ne imperium in alium transferant. Nihil sane Davidem magis terruit quam quod ipsius consiliarius Achitophel partes Absolomi elegerat. Huc accedit, si omnis potestas in unum absolute translata fuerit, quod tum longe facilius ex uno in alium transferri potest. Suscepere enim duo manipulares imperium Romanum transferre, et transtulerunt (Tacit. Hist. lib. 1). Omitto artes et astus callidos consiliariorum, quibus sibi cavere debent ne invidiae immolentur, quia nimis noti sunt, et nemo qui historias legit ignorare potest consiliariis fidem plerumque exitio fuisse; atque adeo, ut sibi caveant, eosdem callidos non fidos esse oportet. Sed si consiliarii plures numero quam ut in eodem scelere convenire possint, et omnes inter se aequales sint, nec ultra quadriennium eo officio fungantur, regi nequaquam formidolosi esse queunt nisi libertatem iis adimere tentet, quo omnes cives pariter offendet. Nam (ut Ant. Perezius optime notat) imperio absoluto uti principi admodum periculosum, subditis admodum odiosum, et institutis tam divinis quam humanis adversum, ut innumera ostendunt exempla.

15. Praeter haec alia fundamenta in praec. Cap. jecimus, ex quibus regi magna imperii, et civibus libertatis ac pacis obtinendae securitas oritur, quae suis locis ostendemus. Nam quae ad supremum concilium spectant, quaeque maximi ponderis sunt, ante omnia demonstrare volui; jam reliqua eo quo ipsa proposui ordine persequar.

16. Quod cives eo potentiores, et consequenter magis sui juris sint,

6–7. *NS behalven dat hy eindelijk vergaat.*

12–13. *NS Hier koomt noch by, dat, zo alle de macht volstrektelijk aan een alleen opgedragen word, zy dan zeer gemakkelijk van d' een aan d' ander overgevoert kan worden.* This suggests *quod*; *OP quae.*

21. Since the system proposed in § 13 does not apply where there are four counsellors to a tribe, my emendation of *ultra quadriennium* to *ultra quam triennium* (see *Œuvres Complètes de Spinoza*, Gallimard, 1954, p. 1486) was mistaken.

30. *quaeque . . . sunt* not in *NS.*

replaced every year—assuming that each tribe is to have five counsellors—except in the year when the lawyer of a tribe retires and a new one is chosen to succeed him.

14. No king can promise himself greater security than one who rules in a commonwealth of this kind. For, of course, if we disregard the obvious fact that a king is soon destroyed if his soldiers do not wish his safety, the greatest danger to kings always comes from those who are nearest to them. Thus the fewer in number, and, in consequence, the more powerful the counsellors are, the greater the danger for the king that they may transfer the sovereignty to another. Certainly, nothing terrified David more than the fact that his own counsellor Ahithophel had sided with Absalom.[1] Besides, if the whole power has been entirely vested in one man it is all the easier to transfer to another. Two privates undertook to transfer the Roman Empire, and did so (Tacitus, Histories, Book I).[2] I say nothing of the trickery and guile which counsellors must practise to save themselves from becoming the victims of jealousy, because it is known only too well, and no reader of history can be unaware that counsellors have very often been destroyed by their loyalty; thus to protect themselves they have to be deceitful rather than loyal. But if counsellors are too numerous to be able to agree upon the same misdeed, if they are all equals, and do not hold office for more than four years, they cannot possibly be a danger to the king unless he tries to deprive them of their prerogatives, a course which will be equally obnoxious to every citizen.[3] For (as Antonio Perez well remarks)[4] the exercise of absolute power by a prince is most dangerous to himself, most offensive to his subjects, and contrary to the laws of God and man alike, as countless instances show.

15. In the previous Chapter I have laid down other fundamental laws which do much to secure sovereignty for the king and freedom and peace for the citizens. These I shall explain in due course; for I wished to justify first the fundamental laws concerning the supreme council, which are the most important. I shall now go on to deal with the others in the order in which they were set out.

16. Citizens are undoubtedly more powerful, and therefore more

[1] *2 Samuel*, 15, 31.

[2] Tacitus, *Histories* I, xxv, 1 (quoted also in *TT-P*, n. 35, p. 251). Sovereignty was transferred from Galba to Otho.

[3] Spinoza may have in mind the arrest of six members of the Estates of Holland by William II in 1650. See G. J. Renier, *The Dutch Nation* II, iv, p. 111.

[4] In his *Relaçiones* (Paris, 1598, p. 133). Perez, at one time Secretary of State to Philip II of Spain, wrote this book to justify his own conduct by exposing that of his former master.

quo majores urbes et magis munitas habent, dubio caret: quo enim locus in quo sunt tutior est, eo libertatem suam melius tueri, sive hostem externum vel internum minus timere possunt; et certum est homines naturaliter securitati suae eo magis consulere, quo divitiis potentiores sunt. Quae autem urbes alterius potentia ut conserventur indigent, aequale jus cum eo non habent; sed eatenus alterius sunt juris, quatenus alterius potentia indigent. Jus enim sola potentia definiri in 2 Cap. ostendimus.

17. Hac eadem etiam de causa, ut cives scilicet sui juris maneant et libertatem tueantur, militia ex solis civibus nullo excepto constare debet. Etenim homo armatus magis quam inermis sui juris (vide Art. 12 hujus Cap.), et ii cives suum jus in alterum absolute transferunt, ejusdemque fidei omnino committunt, cui arma dederunt et urbium munimenta crediderunt. Huc accedit humana avaritia, qua plerique maxime ducuntur: fieri enim non potest ut auxiliarius miles sine magnis sumptibus conducatur, et cives vix pati possunt exactiones quae sustentandae otiosae militiae requiruntur. Quod autem nullus qui integrae militiae vel magnae ejus parti imperet nisi cogente necessitate in annum ad summum eligendus sit, norunt omnes qui historias tam sacras quam profanas legerunt. Ratio autem nihil hoc clarius docet. Nam sane imperii robur ei omnino creditur, cui satis temporis conceditur ut militarem gloriam occupet, ipsiusque nomen supra regis attollatur, vel fidum sibi exercitum faciat obsequio, liberalitate, et reliquis artibus ducibus assuetis quibus alienum servitium et sibi dominationem quaerunt. Denique ad majorem totius imperii securitatem addidi quod hi militiae imperatores eligendi sunt ex regis consiliariis, vel qui eodem officio functi sunt, hoc est, viris qui eo aetatis pervenerunt qua homines plerumque vetera et tuta quam nova et periculosa malint.

18. Cives inter se familiis distinguendos esse dixi, et ex unaquaque aequalem consiliariorum numerum eligendum, ut majores urbes plures haberent pro numero civium consiliarios, et plura, ut aequum est, adferre possent suffragia. Nam imperii potentia et consequenter jus ex civium numero aestimanda est; nec credo quod ad hanc inter cives

19. *P quam*; *OP quas*.

22. *NS en zijn naam boven die van de Koning te verheffen*, which suggests *attollat*; but the passive is used in Tacitus, *Agricola* 39, and Spinoza has that passage in mind here.

27. *NS uit mannen*, i.e. *ex viris*.

fully possessed of their own right, in proportion as their cities are larger and better fortified. For the more secure the place in which they live, the better can they defend their freedom, i.e. the less have they to fear from enemies at home or abroad; and, of course, the wealthier men are, the more provision they naturally make for their security. But cities which need another's help to survive are not his equals in right, being in fact subject to his right in so far as they require his power. For right is determined by power alone, as I have shown in Chapter 2.

17. It is also to ensure that the citizens retain possession of their own right, and preserve their freedom, that they alone must form the army, and none of them be exempted from military service.[1] For an armed man is more fully possessed of his own right than one who is unarmed (see Section 12 of this Chapter), and citizens transfer their right to another completely, and commit it entirely to his good faith, as soon as they give him arms and entrust him with the defence of their cities. The prevailing avarice of men is another reason for my plan; for the hire of mercenaries is bound to be expensive, and citizens find the exactions needed to maintain an idle soldiery very hard to bear. And the fact that no one should be appointed to command the whole of the armed forces, or a large part of them, except in time of urgent need, and then only for a year at the most, is known to all who have read history, either sacred or profane. Besides, reason teaches nothing more clearly. For it is obvious that the power of the state is wholly committed to the man who is given sufficient time to eclipse the king by achieving military glory, or to win over the army by indulgence, liberality, and all the favourite tricks of generals who are intent on slavery for others and despotism for themselves.[2] My last provision, that such army commanders should be chosen from the king's counsellors or ex-counsellors, i.e. from those who have reached an age to prefer the safety of tradition to the dangers of innovation,[3] is designed to provide greater security for the entire state.

18. I laid down that the citizen body was to be divided into tribes, and that an equal number of counsellors was to be appointed from each, to ensure that the larger cities should have more counsellors, and therefore, as is fair, more votes, in proportion to their greater number of citizens.[4] For the power of a city, and in consequence its right, depends on its number of citizens; and I believe it impossible to devise any

[1] *TT-P* xvii, p. 173.
[2] Machiavelli, *Discourses* iii, 24.
[3] *TP* x, 2, p. 431. The phrase is adapted from Tacitus, *Annals* i, ii, 1.
[4] p. 329, n. 1.

aequalitatem servandam aliud medium aptius excogitari potest, quia omnes natura ita comparati sunt ut unusquisque generi suo adscribi velit et stirpe a reliquis internosci.

19. Praeterea in statu naturali unusquisque nihil minus sibi vindicare et sui juris facere potest quam solum, et quicquid solo ita adhaeret ut id nusquam abscondere nec portare quo velit possit. Solum igitur, et quicquid ei ea qua diximus conditione adhaeret, apprime communis civitatis juris est, nempe eorum omnium qui junctis viribus, vel ejus cui omnes potestatem dederunt qua id sibi vindicare possit. Et consequenter solum, et quicquid ei adhaeret, tanti valere apud cives debet, quantum necesse est ut pedem eo in loco figere et commune jus seu libertatem tueri possint. Caeterum utilitates quas civitas hinc necesse est ut capiat ostendimus Art. 8 hujus Capitis.

20. Ut cives quantum fieri potest aequales sint, quod in civitate apprime necessarium est, nulli nisi a rege oriundi nobiles censendi sunt. At si omnibus ex rege oriundis uxorem ducere seu liberos procreare liceret, successu temporis in magnum admodum numerum crescerent, et regi et omnibus non tantum oneri, sed formidolosissimi insuper essent. Homines enim qui otio abundant scelera plerumque meditantur; unde fit ut reges maxime nobilium causa inducantur bellum gerere, quia regibus nobilibus stipatis major ex bello quam ex pace securitas et quies. Sed haec, utpote satis nota, relinquo, ut et quae ex Art. 15 usque ad 27 in praec. Capite dixi: nam praecipua in hoc Cap. demonstrata, et reliqua per se manifesta sunt.

21. Quod judices plures numero esse debeant quam ut a viro privato magna ejus pars possit muneribus corrumpi, ut et quod suffragia non palam sed clam ferre debeant, et quod vacationis praemium mereantur, omnibus etiam notum. Sed solent ubique annuum habere stipendium; unde fit ut non admodum festinent lites dirimere, et saepe ut quaestionibus nullus sit finis. Deinde ubi bonorum publicatio regum emolumenta sunt, ibi saepe non jus aut verum in cognitionibus, sed magnitudo opum spectatur; passim delationes, et locupletissimus quisque in praedam correpti; quae gravia et intoleranda, sed necessitate

1–2. *NS om dat wy alle van natuur in dier voegen gestelt zijn*, i.e. *quia omnes natura ita comparati sumus*; *OP qui . . . comparati sunt*. I accept *quia*, and suppose that the Dutch translator changed the person in order to make it clear that this is a statement about human nature in general.

4–5. *Gf vindicare*; *OP vendicare*. 6. *Gf possit*; *OP potest*.

8. *NS die met samengevoegde krachten, of*. Though the relative clause is incomplete, the text here is probably sound. Understand *id sibi vindicare possunt* after *viribus*.

9. *Gf vindicare*; *OP vendicare*. 13. *P capiat*; *OP capia*.

18. *P formidolosissimi*; *OP formidolossimi*.

28. *NS Aan allen is ook genoegsamelijk bekent* suggests *omnibus etiam satis notum*.

better means of maintaining equality of representation among the citizens, for everyone has a natural desire to be ascribed to his own family and to be distinguished by lineage from the rest.

19. Again, if there is one thing which an individual in the condition of nature cannot appropriate and make his own, it is land and other real estate. Thus the land and other real estate is essentially the public property of the commonwealth, i.e. it belongs by right to all who have united and are therefore able to protect it, or to the man whom they have all empowered to protect it for them. In consequence it must be valued very highly among the citizens, since they need it as a base from which to defend their corporate right or freedom. The advantages which the commonwealth necessarily derives from this arrangement have been shown in Section 8 of this Chapter.

20. That the citizens may enjoy as much equality as possible[1]—a prime necessity in a commonwealth—none but those of royal descent must be regarded as noblemen.[2] But if all of royal descent were allowed to marry or beget children, they would eventually become very numerous, and not only a burden, but a formidable threat to the king and all his subjects.[3] For the Devil finds work for idle hands to do; hence it is largely to occupy their nobles that kings make war, since when surrounded by nobles they get more security and tranquillity from war than from peace. But since this is quite well known I can pass it by, and likewise what I said in Sections 15 to 27 of the previous Chapter; for the main points have been established in this Chapter, and the others are self-evident.

21. That the number of judges should be too great to make it possible for a private individual to bribe a large proportion of them, that they should not vote openly, but by secret ballot, and that they deserve remuneration for their services, is also known to everyone. But if they are paid an annual salary, as is the universal custom, they make no great haste to settle lawsuits, and in many cases disputes never reach a decision. Again, where confiscated goods are made over to the king, it is common for trials to be conducted with more attention to the size of the defendant's fortune than to justice or truth; denunciations are made on every side, and all the richest men are seized as a prey; practices which, though oppressive and intolerable, are excused by a plea of

[1] Though Spinoza's monarch is to possess all the land, his state lacks the hierarchical structure of a feudal monarchy.

[2] There were very few nobles in Holland (Temple, op. cit., ch. ii, p. 64). Machiavelli regarded feudal nobles as enemies of all civil government (*Discourses* i, 55).

[3] Bacon, *Essay* xiv.

armorum excusata etiam in pace manent. At judicum avaritia, qui scilicet in duos aut tres annos ad summum constituuntur, metu succedentium temperatur; ut jam taceam quod judices bona fixa nulla habere possunt, sed quod argentum suum lucri causa concivibus credere debeant; atque adeo iis magis consulere quam insidiari coguntur, praesertim si ipsi judices magno, uti diximus, numero sint.

22. At militiae nullum decernendum esse stipendium diximus: nam summum militiae praemium libertas est. In statu enim naturali nititur unusquisque sola libertatis causa sese quantum potest defendere, nec aliud bellicae virtutis praemium exspectat quam ut suus sit. In statu autem civili omnes simul cives considerandi perinde ac homo in statu naturali, qui propterea, dum omnes pro eo statu militant, sibi cavent sibique vacant. At consiliarii, judices, praetores, etc., plus aliis quam sibi vacant; quare iis vacationis praemium decerni aequum est. Accedit quod in bello nullum honestius nec majus victoriae incitamentum esse potest quam libertatis imago. Sed si contra civium aliqua pars militiae designetur, qua de causa necesse etiam erit iisdem certum stipendium decernere, rex necessario eosdem prae reliquis agnoscet (ut Art. 12 hujus Cap. ostendimus), homines scilicet qui belli artes tantummodo norunt, et in pace propter nimium otium luxu corrumpuntur, et tandem propter inopiam rei familiaris nihil praeter rapinas, discordias civiles, et bella meditantur. Atque adeo affirmare possumus imperium monarchicum hujusmodi revera statum belli esse, et solam militiam libertate gaudere, reliquos autem servire.

23. Quae de peregrinis in civium numerum recipiendis Art. 32 praeced. Cap. diximus, per se nota esse credo. Praeterea neminem dubitare existimo quod ii qui regi sanguine propinqui sunt procul ab eo esse debeant, et non belli sed pacis negotiis distrahi, ex quibus ipsis decus et imperio quies sequatur; quamvis nec hoc quidem Turcarum tyrannis satis tutum visum fuerit, quibus propterea religio est fratres omnes necare. Nec mirum; nam quo magis absolute imperii jus in unum

26–27. *OP dubitari*, corrected to *dubitare* in the list of Errata.

military necessity, and continued even in time of peace.[1] But the avarice of judges who are appointed, as we saw, for two or three years at the most, is restrained by fear of their successors; not to mention that they are not allowed to possess real estate, but must lend to their fellow citizens in order to make money, and are therefore forced to help rather than to ensnare them. This is particularly true if, as I said, these judges are numerous.

22. Soldiers on the other hand were to be assigned no wages;[2] for the supreme reward for military service is freedom. In the state of nature it is solely to maintain his freedom that an individual does his best to protect himself, and he expects no other reward for prowess in war than that of being his own master. Now in the political order the whole body of citizens must be viewed as an individual in the state of nature; hence when all of them fight to defend the political order they are protecting and working for themselves. But counsellors, judges, sheriffs, etc. work more for others than for themselves, and so it is fair to assign them a reward for their services. Besides, in time of war there can be no greater or nobler incentive to victory than the thought of freedom. If, on the other hand, only some of the citizens are detailed for military service—which will also make it necessary to assign them a fixed wage—the king will inevitably favour them more than the rest (as I have shown in Section 12 of this Chapter), though they are men who, having no profession but arms, ruin themselves by extravagance in peace because they have too little to do, and are finally led by their poverty to think of nothing but looting, sedition, and war.[3] We can therefore assert that a monarchy of this kind is really a state of war; that the soldiers alone enjoy freedom, and the rest are slaves.

23. The regulations concerning the naturalization of aliens set out in Section 32 of the previous Chapter seem to me self-evident. Again, I do not think anyone doubts that near kinsmen of the king should be sent abroad,[4] and kept busy, not with military duties,[5] but with peaceful missions which will bring honour to themselves and tranquillity to the state. It is true that the tyrants of Turkey have thought even this insufficient to ensure their own safety; that is why they religiously kill all their brothers.[6] And no wonder; for the more completely sovereignty

[1] Tacitus, *Histories* II, lxxxiv, 1–2.

[2] *TP* vi, 31, p. 331. Evidently Spinoza regards the payment to the rank and file in wartime as a subsistence allowance rather than as a wage.

[3] This passage owes something to Sallust, *Catiline* 5.

[4] *TP* vi, 33, p. 331.

[5] *TP* vi, 10, p. 319.

[6] Van Hove, op. cit. I, ii, 4 (p. 147).

translatum est, eo facilius ipsum (ut Art. 14 hujus Cap. exemplo ostendimus) ex uno in alium transferri potest. At imperium monarchicum quale hic concipimus, in quo scilicet mercenarius miles nullus est, satis hoc quo diximus modo regis saluti cautum fore, extra dubium est.

24. De iis etiam quae Art. 34 et 35 praeced. Cap. diximus ambigere nemo potest. Quod autem rex extraneam in uxorem ducere non debet, facile demonstratur. Nam praeterquam quod duae civitates, quanquam foedere inter se sociatae, in statu tamen hostilitatis sunt (per Art. 14 Cap. 3), apprime cavendum est ne bellum propter regis res domesticas concitetur; et quia controversiae et dissensiones ex societate praecipue quae ex matrimonio fit oriuntur, et quae inter duas civitates quaestiones sunt jure belli plerumque dirimuntur, hinc sequitur imperio exitiale esse arctam societatem cum alio inire. Hujus rei fatale exemplum in Scriptura legimus: mortuo enim Salomone, qui filiam regis Aegypti sibi matrimonio junxerat, filius ejus Rehabeam bellum cum Susaco Aegyptiorum rege infelicissime gessit, a quo omnino subactus est. Matrimonium praeterea Ludovici XIV, Regis Galliarum, cum filia Philippi IV novi belli semen fuit; et praeter haec plurima exempla in historiis leguntur.

25. Imperii facies una eademque servari, et consequenter rex unus et ejusdem sexus, et imperium indivisibile esse debet. Quod autem dixerim ut filius regis natu major patri jure succedat, vel (si nulli sint liberi) qui regi sanguine proximus est, patet tam ex Artic. 13 praeced. Cap. quam quia regis electio, quae a multitudine fit, aeterna, si fieri potest, esse debet; alias necessario fiet ut summa imperii potestas saepe ad multitudinem transeat, quae mutatio summa est et consequenter periculosissima. Qui autem statuunt regem, ex eo quod imperii dominus est, idque jure absoluto tenet, posse cui velit idem tradere, et successorem quem velit eligere, atque adeo regis filium imperii haeredem jure esse, falluntur sane. Nam regis voluntas tamdiu vim juris habet quamdiu civitatis gladium tenet; imperii namque jus sola potentia definitur. Rex igitur regno cedere quidem potest, sed non imperium alteri tradere

2–4. *NS Maar d' eenhoofdige Heerschappy . . . zal zonder twijffel op deze wijze . . . voor de welstant van de Koning zorgen.*

15. *B Susaco*; *NS Susak*; *OP Susano*. 17. *OP Ludovici 14.*

18. *OP Philippi quarti.* After *van Filippus de vierde NS* reads *Koning van Spanjen.*

28. *NS dien 't hem zal believen*, i.e. *velit*; *OP vellet.*

has been vested in one man, the more easily can it be transferred to another (as I have shown by the example in Section 14 of this Chapter). But in the kind of monarchy I am envisaging here, i.e. one in which there is not a single mercenary soldier, the measure I have prescribed will certainly be a sufficient safeguard for the king.

24. There can be no doubt either about the measures I have proposed in Sections 34 and 35 of the previous Chapter. Furthermore, that the king must not marry an alien is easily shown. For quite apart from the fact that two commonwealths remain in a state of hostility even when united by treaty (by Chapter 3, Section 14), it needs the utmost care to prevent the king's family concerns from leading to war; and since quarrels and disputes are particularly apt to arise from an alliance based on marriage, and differences between two commonwealths are generally settled by the right of war, it is fatal for a state to enter into so close an alliance with another. There is a dire example of this in Scripture: for on the death of Solomon, who had married the daughter of the king of Egypt, his son Rehoboam waged a disastrous war against Shishak, the Egyptian king, and was completely overthrown.[1] Again, the marriage of Louis XIV of France to the daughter of Philip IV sowed the seeds of a new war;[2] and history provides many other examples of the same thing.

25. The form of the state must be preserved unchanged; so there must be but one ruler, always of the male sex, and the state must be indivisible. Furthermore, that the king's eldest son should succeed by right, or (if there is no male issue) the king's nearest kinsman, is obvious not only from Section 13 of the previous Chapter, but also because the election of the king by the people must be, if possible, for all time; otherwise the sovereignty will often have to revert to the people, a change which is very great, and consequently very dangerous. But those who maintain that because a king is master of his state, and holds it by absolute right, he can give it to whom he pleases, and appoint any successor he chooses, and that this is why the king's son is heir to the state by right, are certainly mistaken.[3] For a king's will has the force of right only as long as he holds the sword of the commonwealth; since the right of a state is determined by power alone. Thus though a king can abdicate, he cannot give the state to another without the acquiescence

[1] *2 Chronicles* 8, 11, and 12, 2–9.

[2] The War of Succession for the possession of the Spanish Netherlands, 1667–8.

[3] Hobbes maintained (*a*) that it was best for subjects to be the inheritance of their king (*De Cive* x, 18); (*b*) that the king could give or sell his sovereignty to another (*De Cive* ix, 13); and (*c*) that he could bequeath it to anyone he pleased (*De Cive* vii, 15, and ix, 12).

nisi connivente multitudine vel parte ejus validiore. Quod ut clarius intelligatur, venit notandum quod liberi non jure naturali sed civili parentum haeredes sunt: nam sola civitatis potentia fit ut unusquisque quorundam bonorum sit dominus. Quare eadem potentia sive jure, quo fit ut voluntas alicujus qua de suis bonis statuit rata sit, eodem fit ut eadem voluntas etiam post ipsius mortem rata maneat quamdiu civitas permanet; et hac ratione unusquisque in statu civili idem jus quod dum in vivis est etiam post mortem obtinet, quia, uti diximus, non tam sua quam civitatis potentia, quae aeterna est, de suis bonis quicquam statuere potest. At regis alia prorsus est ratio: nam regis voluntas ipsum jus civile est, et rex ipsa civitas; mortuo igitur rege obiit quodammodo civitas, et status civilis ad naturalem, et consequenter summa potestas ad multitudinem naturaliter redit; quae propterea jure potest leges novas condere et veteres abrogare. Atque adeo apparet neminem regi jure succedere nisi quem multitudo successorem vult, vel in theocratia, qualis Hebraeorum civitas olim fuit, quem Deus per Prophetam elegerit. Possemus praeterea haec inde deducere, quod regis gladius sive jus sit revera ipsius multitudinis sive validioris ejus partis voluntas; vel etiam ex eo, quod homines ratione praediti nunquam suo jure ita cedunt ut homines esse desinant, et perinde ac pecudes habeantur. Sed haec ulterius persequi non est opus.

26. Caeterum religionis sive Deum colendi jus nemo in alium transferre potest. Sed de hoc in duobus ultimis capitibus Tractatus Theologico-Politici prolixe egimus, quae hic repetere superfluum est. Atque his me optimi imperii monarchici fundamenta satis clare, quamvis breviter, demonstrasse autumo. Eorum autem cohaerentiam sive imperii analogiam facile unusquisque observabit, qui eadem simul aliqua cum attentione contemplari velit. Superest tantum monere me hic imperium monarchicum concipere quod a libera multitudine instituitur, cui solummodo haec ex usu esse possunt; nam multitudo quae

of the people or its stronger part. We shall see this more clearly if we observe that children inherit from their parents by civil right, and not by natural; for it is due solely to the power of the commonwealth that anyone has definite property. Thus the same power or right which ensures that a man's decision about his property is valid, also ensures that his decision shall remain valid even after his death, for as long as the commonwealth lasts; and this is why everyone in the political condition retains even after his death the same right as he had while alive, because, as I said, it is by the continuing power of the commonwealth, rather than by his own, that he is able to make any effective decision about his property. But the case of the king is quite different: for the king's will is the civil law itself, and the king the commonwealth itself.[1] Thus in a sense the death of the king involves the death of the commonwealth, and causes a return from the political to the natural condition; so sovereignty naturally reverts to the people, which has therefore the right to make new laws and repeal the old.[2] This shows that nobody succeeds a king by right except the man whom the people wishes to be his successor, or, in a theocracy like the ancient Jewish commonwealth, the man whom God has appointed through his Prophet.[3] We could also infer this from the fact that the king's sword, or right, is really the will of the people itself, or of its stronger part; or indeed from the fact that men endowed with reason never renounce their right so completely that they cease to be men and can be treated like sheep.[4] But there is no need to pursue this farther.

26. Finally, religious right, or the right to worship God, is something which no one can transfer to another. But this right has been dealt with at length in the two concluding chapters of the Tractatus Theologico-Politicus, which it is unnecessary to reproduce here. I now claim that I have justified briefly, but with sufficient clarity, the fundamental laws required by a good monarchy. That they combine to produce a well-balanced state will easily be seen by anyone who is prepared to consider them together with a little attention.[5] It only remains to remind readers that I am envisaging here a monarchy established by a free people,[6] and that only to such a people can my proposals be of service; for a people accustomed to another form of

[1] Cf. Hobbes's definition of a commonwealth (*De Cive* v, 9).

[2] This means that the 'eternal election' of the king is always to some extent fictitious (cf. viii, 3, p. 371), and that the original democratic sovereign is always lurking in the background: views which have more in common with Locke than with Hobbes.

[3] *TT-P* xvii, p. 187.

[4] *TT-P* xvii, p. 149.

[5] *TP* i, 3, p. 263, n. 1.

[6] *TP* v, 6, p. 311.

alii imperii formae assuevit non poterit sine magno eversionis periculo totius imperii recepta fundamenta evellere, et totius imperii fabricam mutare.

27. Atqui haec quae scripsimus risu forsan excipientur ab iis qui vitia, quae omnibus mortalibus insunt, ad solam plebem restringunt; nempe quod in vulgo nihil modicum, terrere ni paveant, et quod plebs aut humiliter servit aut superbe dominatur, nec ei veritas aut judicium, etc. At natura una et communis omnium est. Sed potentia et cultu decipimur, unde est ut duo cum idem faciunt, saepe dicamus 'Hoc licet impune facere huic, illi non licet', non quod dissimilis res sit, sed qui facit. Dominantibus propria est superbia. Superbiunt homines annua designatione: quid nobiles qui honores in aeternum agitant? Sed eorum arrogantia fastu, luxu, prodigalitate, certoque vitiorum concentu et docta quadam insipientia et turpitudinis elegantia adornatur, ita ut vitia quorum singula seorsim spectata, quia tum maxime eminent, faeda et turpia sunt, honesta et decora imperitis et ignaris videantur. Nihil praeterea in vulgo modicum, terrere nisi paveant: nam libertas et servitium haud facile miscentur. Denique quod plebi nulla veritas neque judicium sit, mirum non est, quando praecipua imperii negotia clam ipsa agitantur, et non nisi ex paucis quae celari nequeunt conjecturam facit. Judicium enim suspendere rara est virtus. Velle igitur clam civibus omnia agere, et ne de iisdem prava judicia ferant, neque ut res omnes sinistre interpretentur, summa est inscitia. Nam si plebs sese temperare, et de rebus parum cognitis judicium suspendere, vel ex paucis praecognitis recte de rebus judicare posset, dignior sane esset ut regeret quam ut regeretur. Sed, uti diximus, natura omnibus eadem est; superbiunt omnes dominatione, terrent nisi paveant, et ubique veritas plerumque infringitur ab infensis vel obnoxiis, praesertim ubi unus vel pauci dominantur, qui non jus aut verum in cognitionibus sed magnitudinem opum spectant.

4. *NS Doch*, i.e. *Atqui*; *OP Atque*. Cf. *Ep.* xii (*G*, vol. iv, p. 62, l. 2) where *OP* has *atque*, *NS maar*, and Leibniz's copy *atqui*.

21. For *rara NS* has *wonderlijke*, i.e. *mira*.

28. *NS een of twee*.

government will not be able to uproot the accepted foundations of their whole state, and to change its entire construction, without great danger of destroying it completely.

27. Those who confine to the common people the vices which exist in all human beings will perhaps greet my contentions with ridicule, on the ground that 'there is no moderation in the masses, they terrorize unless they are afraid',[1] that 'the common people is either an obsequious servant or a domineering master',[2] that 'it has no truth or judgement in it',[3] and so on. But all men have one and the same nature: it is power and culture which mislead us. Hence 'when two men do the same thing we often say that the one may do it with impunity but not the other; not because the thing, but because the person who does it, is different'.[4] Pride is characteristic of rulers. If men are puffed up by appointment for a year, what can we expect of nobles who hold office without end? But *their* arrogance is adorned with refinement, magnificence, lavishness, with an harmonious blend of vices, a sophisticated folly, and an elegant depravity; so that faults which when viewed singly and in isolation are base and ugly, because then most obvious, seem honourable and becoming to the ignorant and inexperienced. Again, 'there is no moderation in the masses, they terrorize unless they are afraid' because freedom and slavery are not easily combined. Finally, that 'there is no truth or judgement in the common people' is not surprising, when they are kept in ignorance of the main affairs of state, and merely guess at the facts from the little that cannot be concealed. For to suspend judgement is a rare virtue. Thus to keep all the work of government a secret from the citizens, and then to expect them not to misjudge it and put the worst construction on everything, is the height of folly.[5] For if the common people could practise self-restraint, and suspend judgement when the evidence is insufficient, or could make correct judgements about public affairs with little information to go on, they would certainly be more worthy to rule than to be ruled. However, as I said, all men have the same nature; all are puffed up by rule, they terrorize when they are not afraid, and it is everywhere common for truth to be disregarded by bitter enemies or servile followers,[6] especially when one man or a few have despotic power, and pay more attention at trials to the size of the defendant's fortune than to justice or truth.

[1] Tacitus, *Annals* I, xxix, 3.
[2] Livy XXIV, XXV, 8.
[3] Tacitus, *Histories* I, xxxii, 1.
[4] Terence, *Adelphi* 823–5.
[5] *TT-P* xx, p. 227.
[6] Tacitus, *Histories* I, i, 1.

28. Milites deinde stipendiarii, militari scilicet disciplinae assueti, algoris et inediae patientes, civium turbam contemnere solent, utpote ad expugnationes vel aperto marte dimicandum longe inferiorem. Sed quod imperium ea de causa infelicius sit aut minus constans, nullus cui mens sana est affirmabit. Sed contra unusquisque aequus rerum aestimator illud imperium omnium constantius esse non negabit, quod parta tantum tueri nec aliena appetere potest, quodque propterea bellum omnibus modis declinare et pacem tueri summo studio conatur.

29. Caeterum fateor hujus imperii consilia celari vix posse. Sed unusquisque mecum etiam fatebitur multo satius esse ut recta imperii consilia hostibus pateant quam ut prava tyrannorum arcana clam civibus habeantur. Qui imperii negotia secreto agitare possunt idem absolute in potestate habent, et, ut hosti in bello, ita civibus in pace insidiantur. Quod silentium imperio saepe ex usu sit, negare nemo potest; sed quod absque eodem idem imperium subsistere nequeat, nemo unquam probabit. At contra rempublicam alicui absolute credere, et simul libertatem obtinere, fieri nequaquam potest; atque adeo inscitia est parvum damnum summo malo vitare velle. Verum eorum qui sibi imperium absolutum concupiscunt haec unica fuit cantilena, civitatis omnino interesse ut ipsius negotia secreto agitentur, et alia hujusmodi, quae quanto magis utilitatis imagine teguntur, tanto ad infensius servitium erumpunt.

30. Denique, quamvis nullum, quod sciam, imperium his omnibus, quas diximus, conditionibus institutum fuerit, poterimus tamen ipsa etiam experientia ostendere hanc monarchici imperii formam optimam esse, si causas conservationis cujuscunque imperii non barbari, et ejusdem eversionis, considerare velimus. Sed hoc non sine magno lectoris taedio hic facere possem. Attamen unum exemplum, quod memoria dignum videtur, silentio praeterire nolo; nempe Arragonensium imperium, qui singulari erga suos reges fide affecti et pari constantia regni instituta inviolata servaverunt. Nam hi, simulatque servile

12–14. *NS hebben volstrektelijk in hun macht dat zy zo wel de burgers in vrede, als de vijant in d' oorlog, konnen belagen*, i.e. *NS* omits *idem*, and suggests *absolute in potestate habent ut, ut hosti in bello, ita civibus in pace insidientur.*

17. *NS zo groot is d' onkunde*; *Messet.*

28. Mercenary troops, being accustomed to military discipline, and inured to cold and want, commonly despise the mass of citizens as far inferior to themselves at taking cities by storm or fighting in the open field; but no one in his senses will assert that this makes a state any less stable or successful. On the contrary, no state is more stable to the impartial eye than one which is just powerful enough to preserve its own possessions, without being able to covet those of others, and which therefore does its utmost to avoid war and maintain peace.[1]

29. I agree that the policies of this state can hardly be concealed;[2] but everyone will also agree that it is much better for the honest policies of a state to be obvious to its enemies than for the guilty secrets of tyrants to be kept hidden from its citizens. Those who can handle the affairs of a state in secret have it completely in their power, and plot against the citizens in peace no less than against the enemy in war. That secrecy is often useful to a state no one can deny; yet no one will ever prove that the same state cannot maintain itself without it. But to give someone absolute control of public affairs without losing one's freedom is quite impossible; so it is foolish to seek to avoid a small inconvenience by incurring a great calamity. Of course, it has always been the sole theme of would-be tyrants that secrecy in the conduct of affairs and the like are absolutely necessary in the interests of the commonwealth; but the better their proposals are disguised by a show of utility, the more swiftly do they issue in slavery and oppression.[3]

30. Finally, although there is no state, as far as I know, which incorporates all the constitutional provisions described above, we can confirm from actual experience that this form of monarchy is the best by surveying every civilized state and examining the causes of its preservation and downfall. But to do this here would be extremely tedious for the reader. Yet there is one memorable case which I cannot pass over in silence; I mean the kingdom of the Aragonese,[4] whose remarkable loyalty to their kings was combined with an equal steadfastness in defending their free institutions. No sooner had they thrown

[1] Although Spinoza conceives commonwealths to be mutual enemies (*TP* iii, 13, p. 295), he does not draw the conclusion that they should be organized for conquest. On the contrary he does his best to give the governments of his model states a bias towards peace (cf. *TP* vii, 7, p. 341, and viii, 31, p. 395). He obviously favours the unaggressive state existing in an inter-state equilibrium as described by Machiavelli in *Discourses* i, 6.

[2] Hobbes, *De Cive* x, 14–15.

[3] Tacitus, *Annals* i, lxxxi, 3.

[4] Spinoza's account of the history and institutions of Aragon is derived from the *Relaçiones* of Antonio Perez (Paris, 1598, pp. 90 and ff.). Perez fled to Aragon to escape the anger of Philip II, and involved that kingdom in his ruin.

Maurorum jugum a cervicibus dejecerant, regem sibi eligere statuerunt; quibus autem conditionibus non satis inter eosdem conveniebat, et hac de causa summum Pontificem Romanum de ea re consulere constituerunt. Hic, Christi profecto vicarium hac in re se gerens, eos castigavit quod non satis Hebraeorum exemplo moniti regem adeo obfirmato animo petere voluerint; sed si sententiam mutare nollent, suasit ne regem eligerent nisi institutis prius ritibus satis aequis et ingenio gentis consentaneis, et apprime ut supremum aliquod concilium crearent, quod regibus, ut Lacedaemoniorum Ephori, opponeretur, et jus absolutum haberet lites dirimendi quae inter regem et cives orirentur. Hoc igitur consilium sequuti jura quae ipsis omnium aequissima visa sunt instituerunt, quorum summus interpres, et consequenter supremus judex, non rex sed concilium esset quod Septendecim vocant, et cujus praeses Justitia appellatur. Hic igitur Justitia et hi Septendecim, nullis suffragiis sed sorte ad vitam electi, jus absolutum habent omnes sententias in civem quemcunque ab aliis conciliis, tam politicis quam ecclesiasticis, vel ab ipso rege latas revocandi et damnandi; ita ut quilibet civis jus haberet ipsum etiam regem coram hoc judicio vocandi. Praeterea olim jus etiam habuerunt regem eligendi et potestate privandi; sed multis post elapsis annis Rex Don Pedro, qui dicitur Pugio, ambiendo, largiendo, pollicitando, omniumque officiorum genere, tandem effecit ut hoc jus rescinderetur (quod simulac obtinuit, manum pugione coram omnibus amputavit, vel, quod facilius crediderim, laesit, addens non sine sanguinis regii impendio licere subditis regem eligere) ea tamen conditione: *ut potuerint et possint arma capere contra vim quamcunque, qua aliquis imperium ingredi in ipsorum damnum velit, imo contra ipsum regem et principem futurum haeredem si hoc modo (imperium) ingrediatur.* Qua sane conditione praecedens illud jus non tam aboleverunt quam correxerunt. Nam, ut Art. 5 et 6 Cap. 4 ostendimus, rex non jure civili sed jure belli dominandi potentia privari potest, vel ipsius vim vi solummodo

17. For *latas NS* has *gegeven.*
24. *OP sanguinis regii*; *NS van koninklijk bloet*; *Gf sanguinis regis.*

off the Moorish yoke than they decided to choose themselves a king; but since they could not agree about the conditions on which he should be appointed, they resolved to consult the Pope.[1] He, acting like a true vicar of Christ on this occasion, told them reproachfully that they should have been warned by the example of the Jews not to set their hearts so firmly on a king;[2] but advised them, if they would not change their minds, to make no appointment until they had created equitable institutions suited to their racial character; and, in particular, a supreme council to counterbalance their kings as the Ephors did in Sparta, and to have full right to decide any disputes arising between king and citizens. On this advice, then, they established the laws which they thought most equitable, and ordained that their supreme interpreter, and consequently the highest judge, should not be the king but the council which they call 'The Seventeen', and whose president is called 'The Justice'. So this Justice and these Seventeen, appointed for life not by vote but by lot, had full right to review and annul all judgements made against any citizen by any other council, whether political or ecclesiastical, and even by the king himself; which meant that any citizen had the right to call even the king before this tribunal. What is more, they also had for many years the right to appoint and depose their kings; until by solicitations, bribes, promises, and favours of every kind, King Peter the Dagger[3] finally secured its abolition. (The story goes that as soon as he achieved his aim he hacked off, or—as seems to me more probable—cut[4] his hand with a dagger in the presence of all, observing as he did so that the right of subjects to appoint a king was bound to result in the shedding of royal blood.[5]) But it was abolished only on this condition: 'that they may, as heretofore, take arms against any force wherewith any man purposes to enter the realm to do them hurt, yea, even against the king himself, and the heir to the throne, if he enters (the realm) in this manner.' This condition, of course, amended rather than abolished the right in question. For, as I have shown in Sections 5 and 6 of Chapter 4, a king cannot be deprived of sovereignty by civil right, but only by the right of war; i.e. his subjects can repel his

[1] Gregory VII. [2] *TT-P* xviii, pp. 199–201. [3] Pedro IV (1336–87).

[4] Spinoza wrongly takes *se cortò la mano* (Perez, op. cit., p. 95) to mean 'cut off his hand'.

[5] Perez writes: *Que tal fuero, y fuero de poder eligir Rey los vassallos, sangre de Rey avia de costar*. The anonymous English translation of the *Relaçiones* (1715) has, 'That the abolishing of such a privilege, as for Subjects to be allowed to chuse a King, ought to cost the blood of a King'. This makes Pedro declare that he sheds his blood in exchange for the abolition of the privilege, which is the usual tradition. Spinoza interprets Perez differently, and more correctly. He regards such a privilege as dangerous to the king (cf. *TP* vii, 25, p. 355).

repellere subditis licet. Praeter hanc alias stipulati sunt conditiones, quae ad nostrum scopum non faciunt. Hi ritus ex omnium sententia instructi incredibili temporis spatio inviolati manserunt, pari semper fide regum erga subditos ac subditorum erga regem. Sed postquam regnum Castellae Ferdinando, qui omnium primus Catholicus nuncupatus fuit, haereditate cessit, incepit haec Arragonensium libertas Castellanis esse invisa; qui propterea ipsum Ferdinandum suadere non cessabant ut jura illa rescinderet. At ille, nondum imperio absoluto assuetus, nihil tentare ausus consiliariis haec respondit: *praeterquam quod Arragonensium regnum iis quas noverant conditionibus acceperit, quodque easdem servare sanctissime juraverit, et praeterquam quod inhumanum sit fidem datam solvere, se in animum induxisse suum regnum stabile fore quamdiu securitatis ratio non major regi quam subditis esset, ita ut nec rex subditis, nec contra subditi regi praeponderarent: nam si alterutra pars potentior evadat, pars debilior non tantum pristinam aequalitatem recuperare, sed dolore accepti damni in alteram contra referre conabitur; unde vel alterutrius vel utriusque ruina sequeretur.* Quae sane sapientia verba non satis mirari possem si prolata fuissent a rege qui servis, non liberis hominibus, imperare consuevisset. Retinuerunt igitur Arragonenses post Ferdinandum libertatem, non jam jure sed regum potentiorum gratia, usque ad Philippum II, qui eosdem feliciori quidem fato, sed non minori saevitia quam Confoederatorum Provincias oppressit. Et quamvis Philippus III omnia in integrum restituisse videatur, Arragonenses tamen, quorum plerique cupidine potentioribus assentandi ducti sunt (nam inscitia est contra stimulos calces mittere), et reliqui metu territi, nihil praeter libertatis speciosa vocabula et inanes ritus retinuerunt.

31. Concludimus itaque multitudinem satis amplam libertatem sub rege servare posse, modo efficiat ut regis potentia sola ipsius multitudinis potentia determinetur, et ipsius multitudinis praesidio servetur. Atque haec unica fuit regula quam in jaciendis imperii monarchici fundamentis sequutus sum.

2–3. *NS Deze wetten en gewoonten, . . . opgerecht, wierden . . . onderhouden*, hence *G Hi ritus . . . instructi . . . inviolati manserunt*; *OP His ritibus . . . instructi . . . inviolati manserunt*; *M His ritibus . . . instructis . . . inviolati manserunt*. The *NS* reading is supported by *instituta inviolata servaverunt* earlier in this Section, and by the passage in Spinoza's source, the *Relaçiones* of Antonio Perez.

16. *NS maar door smarte van de gelede schade het ander deel ook schade aan te doen* (*zou pogen*). Hence *G* suggests the insertion of *damnum* before *referre*.

21. *OP Philippum secundum.*

22. *NS maar met geen minder dienstbaarheit*, i.e. *sed non minori servitio.*

23. *OP Philippus tertius.*

24–25. *NS van de welken veel door begeerte van de machtigen te believen gedreven wierden.* Hence I insert *ducti sunt* after *assentandi.*

force by force alone. They laid down other conditions as well,[1] which it is not to my purpose to discuss. These institutions, established with the agreement of all, remained intact for an incredible length of time, the kings supporting their subjects and the subjects their kings with equal loyalty always. But after Ferdinand, the first king to be styled 'The Catholic', inherited the realm of Castile,[2] the Castilians began to be envious of the liberty of the Aragonese; and so they never stopped urging Ferdinand to abolish these rights. But being still unaccustomed to absolute power he was afraid to do anything, and answered his advisers as follows: 'He had received the realm of Aragon on the terms which they knew, had sworn most faithfully to observe them, and it was barbarous to break a pledged word. Moreover, he had come to believe that his kingdom would only be stable as long as the king had no greater measure of security than the subjects had, so that the king was no stronger than the subjects nor the subjects than the king; for if either party were to get the upper hand, the weaker would try, not only to recover its former equality, but, through resentment at the damage it had suffered, to damage the other in turn; and hence would follow the ruin of one or of both.' These are wise words indeed, and had they been uttered by a king accustomed to rule over slaves, and not over free men, I could not admire them enough. Thus the Aragonese retained their freedom after Ferdinand's death—though now more as a favour from kings who surpassed them in power than as a right—up to the time of Philip II; who oppressed them with more success but with no less cruelty than he oppressed the United Provinces. And although Philip III appears to have restored the *status quo* completely, the Aragonese, of whom most were inspired by a desire to fawn on the powerful (for it is folly to kick against the pricks),[3] and the rest stricken by fear, have in fact retained nothing but the fine titles and empty forms of freedom.[4]

31. I conclude, then, that a people can maintain a fair amount of freedom under a king as long as it ensures that the king's power is determined by its power alone, and preserved only by its support. And this has been the one and only rule I have followed in laying the foundations of monarchy.

[1] In particular the king had to take an oath to maintain the rights, freedom, and customs of Aragon before being crowned.

[2] Ferdinand of Aragon (1479–1516) became regent of Castile by the testament of his wife Isabella, who died in 1504.

[3] Terence, *Phormio* 77–78.

[4] Tacitus, *Annals* I, lxxxi, 3.

## CAPUT VIII

### *Quod imperium aristocraticum magno patriciorum numero constare debet: de ejus praestantia, et quod ad absolutum magis quam monarchicum accedat, et hac de causa libertati conservandae aptius sit*

1. Huc usque de imperio monarchico. Qua autem ratione aristocraticum instituendum sit ut permanere possit, hic jam dicemus. Aristocraticum imperium illud esse diximus, quod non unus sed quidam ex multitudine selecti tenent, quos imposterum patricios appellabimus. Dico expresse *quod quidam selecti tenent*. Nam haec praecipua est differentia inter hoc et democraticum imperium, quod scilicet in imperio aristocratico gubernandi jus a sola electione pendeat, in democratico autem maxime a jure quodam innato vel fortuna adepto (ut suo loco dicemus), atque adeo, tametsi imperii alicujus integra multitudo in numerum patriciorum recipiatur, modo illud jus haereditarium non sit nec lege aliqua communi ad alios descendat, imperium tamen aristocraticum omnino erit, quandoquidem nulli nisi expresse electi in numerum patriciorum recipiuntur. At si hi duo tantummodo fuerint, alter altero potior esse conabitur, et imperium facile ob nimiam uniuscujusque potentiam in duas partes dividetur, aut in tres, aut quatuor, aut quinque, si tres, aut quatuor, aut quinque id tenuerint: sed partes eo debiliores erunt quo in plures ipsum imperium delatum fuerit. Ex quo sequitur in imperio aristocratico, ut stabile sit, ad minimum patriciorum numerum determinandum necessario habendam esse rationem magnitudinis ipsius imperii.

2. Ponatur itaque pro mediocris imperii magnitudine satis esse ut

3. *NS dan aan d' eenhoofdige Heerschappy koomt*, i.e. *quam ad monarchicum accedat*. But cf. p. 372, ll. 20–21: *magis quam monarchicum . . . ad absolutum accedit*.

9–17. *Dico expresse . . . recipiuntur* not in *NS*.

17–18. *OP altero potior*; *NS boven d' ander*. The correct reading may be *potentior*.

18. *P uniuscujusque*; *OP unicujusque*.

19. *NS of in drie, vier, of vijf* (*delen*), which suggests *aut in tres, aut quatuor, aut quinque*; *OP et in tres*.

## CHAPTER VIII

*That an aristocracy should consist of a large number of patricians: that it is a better and more absolute form of government than monarchy, and therefore more suitable for the preservation of freedom*[1]

1. I now turn to aristocracy, and in this Chapter I shall describe how an aristocracy must be organized if it is to be capable of lasting. Aristocracy, as I said, is the form of government where power is held, not by one man, but by certain men chosen from the people, whom I shall henceforth call patricians. I say expressly 'where power is held by certain chosen men'; for the chief difference between aristocracy and democracy is this, that in an aristocracy the right to govern is entirely dependent on co-optation,[2] whereas in a democracy it depends mainly on a kind of innate right, or a right acquired by fortune, as I shall explain in due course.[3] Thus, even though the whole population of a state is admitted to the patriciate, nevertheless, as long as the right of entry is not hereditary and is not transmitted to others by virtue of some general law, the government will be entirely aristocratic, since none but those expressly chosen are admitted. But if there are only two such men, the one will try to get the better of the other, and because of the excessive power of each the state will be apt to split up into two factions, or into three, four, or five factions according as the sovereignty is held by three, four, or five men:[4] whereas the greater the number of men in whom the actual sovereignty is vested, the weaker the factions will be. It follows that, if an aristocracy is to be stable, the number of patricians must not fall below a certain limit, and this limit must necessarily be determined by reference to the size of the state.

2. Let us suppose, then, that for a state of moderate size it is

[1] M. Francès regards this heading as the work of one of Spinoza's editors (*Œuvres Complètes de Spinoza*, Gallimard, 1954, pp. 1486–7). In this she may be right. But I cannot agree that the heading is tendentious: on the contrary, it seems to me to give a fair summary of the contents of the chapter.

[2] The town council of Amsterdam was recruited by co-optation, 'which makes the Government a sort of *Oligarchy*, and very different from a popular Government' (Temple, *Observations*, ch. ii, p. 58).

[3] *TP* xi, 1–2, p. 441.

[4] Van Hove cites factions as a great defect of aristocracies (*Polityke Weegschaal* II, ii, 5, p. 286).

centum optimi viri dentur in quos summa imperii potestas delata sit, et quibus consequenter jus competat collegas patricios eligendi quando eorum aliquis vita excessit. Hi sane omni modo conabuntur ut eorum liberi vel qui iis sanguine proximi sunt sibi succedant: unde fiet ut summa imperii potestas semper penes eos erit quos fortuna patriciis liberos aut consanguineos dedit. Et quia ex centum hominibus qui fortunae causa ad honores ascendunt vix tres reperiuntur qui arte et consilio pollent vigentque, fiet ergo ut imperii potestas non penes centum, sed penes duos tantummodo aut tres sit qui animi virtute pollent, quique facile omnia ad se trahere, et unusquisque more humanae cupidinis viam ad monarchiam sternere poterit. Atque adeo, si recte calculum ineamus, necesse est ut summa potestas imperii, cujus magnitudinis ratio centum optimates ad minimum exigit, in quinquies mille ad minimum patricios deferatur. Hac enim ratione nunquam deerit quin centum reperiantur animi virtute excellentes, posito scilicet quod ex quinquaginta qui honores ambiunt, eosque adipiscuntur, unus semper reperiatur optimis non inferior, praeter alios qui optimorum virtutes aemulantur, quique propterea digni etiam sunt qui regant.

3. Solent frequentius patricii cives esse unius urbis quae caput totius imperii est, ita ut civitas sive respublica ex eadem habeat vocabulum, ut olim Romana, hodie Veneta, Genuensis, etc. At Hollandorum respublica nomen ex integra provincia habet; ex quo oritur ut hujus imperii subditi majori libertate gaudeant. Jam antequam fundamenta quibus hoc imperium aristocraticum niti debet determinare possimus, notanda est differentia inter imperium quod in unum et id quod in satis magnum concilium transfertur; quae sane permagna est. Nam primo unius hominis potentia integro imperio sustinendo (ut Art. 5 Cap. 6 diximus) longe impar est, quod sine manifesto aliquo absurdo de concilio satis magno enunciare nemo potest: qui enim concilium satis magnum esse affirmat, simul negat idem imperio sustinendo esse impar. Rex igitur consiliariis omnino indiget, concilium autem hujusmodi minime. Deinde reges mortales sunt, concilia contra aeterna: atque adeo imperii potentia quae semel in concilium satis magnum translata

4. *OP unde fiet ut*; *NS Dit zal dan veröorzaken dat*; *P*, *Gf*, and *B* omit *fiet ut*.

10. *OP trahere*; *P*, *Gf*, and *B trahent*; *NS zullen konnen trekken*, which suggests *trahere poterunt*. But *poterunt* can be understood from *poterit* in the following line.

13. *Gf optimates*; *OP optimatum*.

14. *P patricios*; *OP parricios*.

21. *Genuensis* not in *NS*.

25. *OP et in id*; *NS en de gene*, hence *V–L et id*; *Gf et inter id*. There is little to choose between these two corrections. *et inter id* is supported by p. 268, ll. 14–15, and *E* ii, 17 Sch., but in both these places *tusschen* is repeated in the Dutch.

sufficient that there should be a hundred outstanding men vested with the sovereign power, and therefore possessed of the right to appoint colleagues in the patriciate when any of their number die. These, of course, will do their utmost to ensure that their children or nearest kinsmen succeed them: consequently the sovereignty will always be vested in those whom fortune has made the children or kinsmen of patricians. Now since out of a hundred men who rise to office by the favour of fortune it is hard to find three who excel in skill and wisdom, this will mean that the sovereignty will be vested, not in a hundred, but solely in the two or three men who excel in mental ability; who will find it easy to concentrate all business in their own hands, and, inspired by human ambition in the usual way, to smooth their several paths to monarchy. Thus if I calculate correctly, it is necessary that a state which requires at least a hundred outstanding men on account of its size should have its sovereignty vested in at least five thousand patricians.[1] In this way there will always be found a hundred men of surpassing mental ability; it being assumed that out of fifty who seek and obtain office one man will always be found who is equal to the best, as well as some who try to emulate the virtues of the best and are therefore also worthy to rule.

3. The patricians are usually citizens of one city which is the capital of the whole state, so that the commonwealth or republic takes its name from that city, like the ancient republic of Rome, and the modern republics of Venice, Genoa, etc. But the republic of Holland takes its name from the whole province, and the result is that the subjects of this state enjoy greater freedom.[2] Now before we can determine the foundations on which aristocracy must rest, we must notice the difference between government by one man and government by a council of sufficient size—a difference which is certainly very great. In the first place, as I said in Section 5, Chapter 6, the power of one man is quite unequal to bearing the whole burden of government, but no one can say this about a council of sufficient size without manifest absurdity; for to assert that a council is sufficiently large is to deny that it is unequal to bearing the burden of government. Counsellors, then, are quite indispensable to a king, but unnecessary to a council of this kind. Secondly, kings are mortal, whereas councils last for ever; and so sovereign power which has once been vested in a council of sufficient

[1] Van Hove (op. cit. III, iii, 4, p. 566) notes Thucydides' approval of the government of the Five Thousand at Athens in 411 B.C. (*History of the Peloponnesian War* viii, 97).

[2] *TP* ix, 14, p. 425, and 15, p. 427.

est nunquam ad multitudinem redit; quod in imperio monarchico locum non habet, ut Art. 25 Cap. praeced. ostendimus. Tertio regis imperium vel ob ejus pueritiam, aegritudinem, senectutem, vel aliis de causis saepe precarium est; hujusmodi autem concilii potentia econtra una eademque semper manet. Quarto unius hominis voluntas varia admodum et inconstans est: et hac de causa imperii monarchici omne quidem jus est regis explicata voluntas (ut in Art. 1 Cap. praeced. diximus), at non omnis regis voluntas jus esse debet; quod de voluntate concilii satis magni dici nequit. Nam quandoquidem ipsum concilium (ut modo ostendimus) nullis consiliariis indiget, debet necessario omnis ejus explicata voluntas jus esse. Ac proinde concludimus imperium quod in concilium satis magnum transfertur absolutum esse, vel ad absolutum maxime accedere. Nam si quod imperium absolutum datur, illud revera est quod integra multitudo tenet.

4. Attamen quatenus hoc imperium aristocraticum nunquam (ut modo ostensum) ad multitudinem redit, nec ulla in eo multitudini consultatio, sed absolute omnis ejusdem concilii voluntas jus est, debet omnino ut absolutum considerari; et consequenter ejus fundamenta sola ejusdem concilii voluntate et judicio niti debent, non autem multitudinis vigilantia, quandoquidem ipsa tam a consiliis quam suffragiis ferendis arcetur. Causa igitur cur in praxi imperium absolutum non sit, nulla alia esse potest quam quia multitudo imperantibus formidolosa est; quae propterea aliquam sibi libertatem obtinet, quam, si non expressa lege, tacite tamen sibi vindicat obtinetque.

5. Apparet itaque hujus imperii conditionem optimam fore si ita institutum fuerit ut ad absolutum maxime accedat, hoc est, ut multitudo quantum fieri potest minus timenda sit, nullamque libertatem obtineat nisi quae ex ipsius imperii constitutione ipsi necessario tribui debet, quaeque adeo non tam multitudinis quam totius imperii jus sit, quod soli optimates ut suum vindicant conservantque. Hoc enim modo praxis cum theoria maxime conveniet, ut ex Art. praeced. patet, et per se etiam manifestum est: nam dubitare non possumus imperium eo minus penes patricios esse quo plura sibi plebs jura

20–21. *NS zo wel van de beradingen, als van stem te geven*, which is glossed *a suffragiis ferendis*. But cf. p. 376, ll. 2–3.

24. *Gf vindicat*; *OP vendicat*.

30. *Gf vindicant*; *OP vendicant*.

size never reverts to the people; which is not the case in a monarchy, as I have shown in Section 25 of the previous Chapter. Thirdly, the rule of a king is often made precarious by his youth, ill health, senility, or other causes; whereas the power of a council of this kind remains always at one and the same level. Fourthly, the will of one man is extremely variable and inconstant, and this is why, although every law in a monarchy is the king's declared will (as I said in Section 1 of the previous Chapter), not everything the king wills should be law; but this cannot be said about the will of a council which is sufficiently large. For since, as I have just shown, the council itself needs no counsellors, its declared will must necessarily be law in every case. I therefore conclude that the sovereignty which is vested in a council of sufficient size is absolute, or nearly so. For absolute sovereignty, if any such thing exists, is really the sovereignty held by a whole people.[1]

4. Still, in so far as sovereignty of this aristocratic kind never reverts to the people (as has just been shown), and the people is not consulted in any way, but everything the council wills is law, without exception, we must certainly regard aristocracy as absolute. In consequence, its fundamental laws must be based exclusively on the will and judgement of the council, and not on the vigilance of the people, since the latter is debarred both from giving advice and from voting. So the only possible reason why the government is not absolute in practice is that the people is an object of fear to its rulers, and therefore retains a certain amount of freedom for itself, enforcing and preserving it, if not by express law, at least by tacit agreement.

5. It is clear then that the condition of this kind of state will be best if it is organized so as to approach most closely to the absolute, i.e. so that the people is as little to be feared as possible, and retains no freedom save that which must necessarily be allowed it by the constitution of the state itself, and which is therefore not so much a right of the people as a right of the whole state, enforced and preserved by the patricians as their own exclusive concern. For this will bring practice into the closest possible agreement with theory,[2] as is clear from the previous Section, and indeed is self-evident: since we cannot doubt that the more rights the people vindicates for itself—I am thinking of the sort of rights commonly possessed in Lower Germany[3] by the associations of

[1] For Hobbes all sovereigns are equally absolute, though not equally powerful (*De Cive* vi, 13, n.): for Spinoza they are not equally absolute because not equally powerful.

[2] *TT-P* xvii, p. 149.

[3] A strip of territory on the left bank of the Rhine, once a Roman province, and including what are to-day parts of Belgium, the Netherlands, and the German Rhineland.

vindicat, qualia solent in inferiori Germania opificum collegia, *Gilden* vulgo dicta, habere.

6. Neque hinc, quod scilicet imperium in concilium absolute delatum est, ullum ab eodem infensi servitii periculum plebi metuendum. Nam concilii adeo magni voluntas non tam a libidine quam a ratione determinari potest; quippe homines ex malo affectu diversi trahuntur, nec una veluti mente duci possunt nisi quatenus honesta appetunt, vel saltem quae speciem honesti habent.

7. In determinandis igitur imperii aristocratici fundamentis apprime observandum est ut eadem sola voluntate et potentia supremi ejusdem concilii nitantur; ita ut ipsum concilium quantum fieri potest sui juris sit, nullumque a multitudine periculum habeat. Ad haec fundamenta, quae scilicet sola supremi concilii voluntate et potentia nitantur, determinandum, fundamenta pacis quae imperii monarchici propria et ab hoc imperio aliena sunt videamus. Nam si his alia aequipollentia fundamenta imperio aristocratico idonea substituerimus, et reliqua ut jam jacta sunt reliquerimus, omnes absque dubio seditionum causae sublatae erunt, vel saltem hoc imperium non minus securum quam monarchicum, sed contra eo magis securum, et ipsius conditio eo melior erit, quo magis quam monarchicum absque pacis et libertatis detrimento (vid. Art. 3 et 6 hujus Cap.) ad absolutum accedit; nam quo jus summae potestatis majus est, eo imperii forma cum rationis dictamine magis convenit (per Art. 5 Cap. 3), et consequenter paci et libertati conservandae aptior est. Percurramus igitur quae Cap. 6 ex Art. 9 diximus, ut illa quae ab hoc aliena sunt rejiciamus, et quae ei congrua sunt videamus.

8. Quod primo necesse sit urbem unam aut plures condere et munire nemo dubitare potest. Sed illa praecipue munienda est quae totius imperii est caput, et praeterea illae quae in limitibus imperii sunt. Illa enim quae totius imperii caput est, jusque summum habet, omnibus potentior esse debet. Caeterum in hoc imperio superfluum omnino est ut incolae omnes in familias dividantur.

9. Ad militiam quod attinet, quoniam in hoc imperio non inter omnes sed tantum inter patricios aequalitas quaerenda est, et praecipue quod patriciorum potentia major est quam plebis, certum est ad

1. *P vindicat*; *OP vendicat*.

6. *NS verscheidelijk getrokken . . . worden*. Hence *G diverse trahuntur*. But the reading *diversi trahuntur* also occurs in *E* iv, 37 Sch. 2; and there *G* retains it, although *NS* gives the same rendering as here.

24–25. *NS uit het negende Lid*, i.e. *ex Art.* 9; *OP Art* 9. Cf. p. 350, ll. 22–23, *ex Art. 15 usque ad 27*. 34–35. *NS en voornamelijk dat*, i.e. *et praecipue quod*; *OP et praecipue*.

artisans popularly known as Gilds[1]—the less is sovereignty in the hands of the patricians.

6. And the fact that sovereignty has been entirely vested in the council need give the common people no cause to fear any danger of slavery and oppression. For the will of so large a council must be determined by reason rather than by caprice; since evil passions draw men in different directions, and they can be guided as if by one mind only in so far as they aim at ends which are honourable, or at any rate appear to be so.

7. Thus in determining the fundamental laws of aristocracy we must make sure above all that they rest solely on the will and power of the supreme council; so that that council is in the fullest possible possession of its own right and has no danger to fear from the people. In order to determine these fundamental laws, which, as I said, are to rest exclusively on the will and power of the supreme council, let us consider the basic laws of civil peace which are peculiar to monarchy and unsuited to this kind of state. If we substitute for these other basic laws of equal effectiveness adapted to aristocracy, and leave the rest as they have been already laid down, then undoubtedly all causes of civil strife will have been removed, or at any rate this kind of state will be just as stable as monarchy. Indeed it will be more stable, and its condition will be better, in so far as it is more absolute than monarchy without endangering peace and freedom (see Sections 3 and 6 of this Chapter); for the greater the right of the sovereign the more does the form of the state agree with the dictate of reason (by Section 5, Chapter 3), and hence the more suitable it is for the preservation of peace and freedom. Let us therefore run through what we have said in Chapter 6 from Section 9 onwards, in order to reject the measures unsuited to aristocracy and discover those which are consistent with it.

8. First, that it is necessary to found and fortify one or more cities nobody can doubt. But it is necessary to fortify in particular the city which is the capital of the whole state, and, in addition, those which are situated on the frontiers. For the city which is the capital of the whole state, and holds the supreme right, should be more powerful than all the rest. However, in this kind of state it is quite unnecessary for all the inhabitants to be divided into tribes.

9. As for the armed forces, since in this kind of state it is not equality among all, but only among the patricians, that must be the aim, and since in particular the power of the patricians is greater than

[1] In addition to their economic powers the Gilds had considerable influence in the town councils of these districts.

leges seu jura fundamentalia hujus imperii non pertinere ut militia ex nullis aliis quam ex subditis formetur. Sed hoc apprime necesse est, ut nullus in patriciorum numerum recipiatur nisi qui artem militarem recte noverit. Subditos autem extra militiam esse, ut quidam volunt, inscitia sane est. Nam praeterquam quod militiae stipendium quod subditis solvitur in ipso regno manet, cum contra id quod militi extraneo solvitur omne pereat, accedit quod maximum imperii robur debilitaretur. Nam certum est illos singulari animi virtute certare qui pro aris et focis certant. Unde etiam apparet illos etiam non minus errare, qui belli duces, tribunos, centuriones, etc. ex solis patriciis eligendos statuunt. Nam qua virtute ii milites certabunt quibus omnis gloriam et honores adipiscendi spes adimitur? Verum contra legem stabilire ne patriciis militem extraneum liceat conducere quando res postulat, vel ad sui defensionem et seditiones coercendas, vel ob alias quascunque causas, praeterquam quod inconsultum est, repugnaret etiam summo patriciorum juri; de quo vide Ar. 3, 4, et 5 huj. Cap. Caeterum unius exercitus vel totius militiae dux in bello tantummodo et ex solis patriciis eligendus, qui annum ad summum imperium habeat, nec continuari in imperio nec postea eligi possit; quod jus cum in monarchico tum maxime in hoc imperio necessarium est. Nam quamvis multo facilius, ut supra jam diximus, imperium ex uno in alium quam ex libero concilio in unum hominem transferri possit, fit tamen saepe ut patricii a suis ducibus opprimantur, idque multo majori reipublicae damno; quippe quando monarcha e medio tollitur non imperii sed tantummodo tyranni mutatio fit. At in imperio aristocratico fieri id nequit absque eversione imperii et maximorum virorum clade. Cujus rei funestissima exempla Roma dedit. Caeterum ratio cur in imperio monarchico

1–2. *NS dat de krijgsordening uit geen anderen, dan uit d' eige onderzaten, opgerecht zou worden.* Hence *M ex nullis aliis* (cf. p. 318, ll. 19–20); *OP ex ullis aliis.*

7–8. *NS verzwakt word*, i.e. *debilitatur.*

11. *B gloriam*, which is confirmed by the *NS* reading, *alle hoop, om eer en ampten te verkrijgen*; *OP gloriae.*

that of the common people, it is obviously no part of the laws or constitution of this kind of state that the armed forces should be composed of subjects alone: what *is* of fundamental importance is that no one should be admitted to the patriciate unless he has a thorough knowledge of the art of war. But to debar the subjects from military service, as some wish to do,[1] is certainly foolish. For money paid for military service to subjects remains within the state, while payment made to foreign troops is a dead loss; what is more, such a measure would sap the greatest source of the state's strength, since there is no doubt that men who fight for hearth and home fight with extraordinary courage. By the same argument, those who maintain that generals, colonels, captains, etc. should be chosen exclusively from the patricians are equally mistaken. For what courage in battle can we expect from soldiers who are denied all hope of winning glory and promotion? On the other hand, to establish a law forbidding the patricians to engage foreign troops when the situation requires it,[2] either for their own protection and the suppression of civil disorders, or for any other reason, is not only imprudent, but would contravene the supreme right of the patricians as I have described it in Sections 3, 4, and 5 of this Chapter. But a law prescribing that the commander of an army or of all the armed forces should be chosen only in time of war, from the patricians alone, and should hold his command for a year at most, without the possibility of extension or subsequent re-appointment, is even more necessary in an aristocracy than it is in a monarchy. For although it is much easier, as I have already said above,[3] for sovereignty to be transferred from one man to another than from a free council to one man, it is quite common for patricians to be enslaved by their own commanders, and with much greater damage to the common weal; for when a king is removed there is no change in the form of the state, but only in the identity of the tyrant.[4] In an aristocracy, however, the transfer of sovereignty inevitably involves the overthrow of the state and the destruction of its greatest men. The history of Rome provides melancholy examples of this.[5] On the other hand, my reason for recommending that the armed

[1] The Venetian aristocracy did not employ the commons in its armies (Machiavelli, *Discourses* i, 6). This made it strong internally, but weak against external enemies.

[2] In times of crisis (e.g. in 1617) the regents of Dutch towns engaged professional troops, called *waardgelders*, for their own protection (Renier, *The Dutch Nation* i, x, pp. 60 and ff.). In spite of his general dislike of mercenaries (vi, 10 and n. 2, p. 319 ), Spinoza is prepared to allow this in his aristocracy.

[3] *TP* vii, 14, p. 347.

[4] *TT-P* xviii, pp. 201–3. Van Hove (op. cit. i, iii, 1, p. 188) quotes *mutatio tyranni non tyrannidis ablatio.*

[5] Machiavelli, *Discourses* iii, 24.

diximus quod militia sine stipendio servire debeat locum in hujusmodi imperio non habet. Nam quandoquidem subditi tam a consiliis quam suffragiis ferendis arcentur, perinde ac peregrini censendi sunt, qui propterea non iniquiore conditione ac peregrini ad militandum conducendi sunt. Neque hic periculum est ut a concilio prae reliquis agnoscantur. Quinimo ne unusquisque suorum factorum iniquus, ut fit, aestimator sit, consultius est ut patricii certum praemium militibus pro servitio decernant.

10. Praeterea hac etiam de causa, quod omnes praeter patricios peregrini sunt, fieri non potest absque totius imperii periculo ut agri et domus et omne solum publici juris maneant, et ut incolis annuo pretio locentur. Nam subditi qui nullam in imperio partem habent facile omnes in adversis urbes desererent, si bona quae possident portare quo vellent liceret. Quare agri et fundi hujus imperii subditis non locandi sed vendendi sunt, ea tamen conditione, ut etiam ex annuo proventu partem aliquotam singulis annis numerent etc., ut in Hollandia fit.

11. His consideratis, ad fundamenta quibus supremum concilium niti et firmari debet pergo. Hujus concilii membra in mediocri imperio quinque circiter millia esse debere ostendimus Art. 2 hujus Cap. Atque adeo ratio quaerenda est qua fiat ne paulatim ad pauciores deveniat imperium, sed contra ut pro ratione incrementi ipsius imperii eorum augeatur numerus; deinde ut inter patricios aequalitas quantum fieri potest servetur; ut praeterea in conciliis celeris detur expeditio; ut communi bono consulatur; et denique ut patriciorum seu concilii major sit quam multitudinis potentia, sed ita ut nihil inde multitudo detrimenti patiatur.

12. Ad primum autem obtinendum maxima oritur difficultas ex invidia. Sunt enim homines, ut diximus, natura hostes; ita ut, quamvis legibus copulentur adstringanturque, retineant tamen naturam. Atque hinc fieri existimo ut imperia democratica in aristocratica, et haec tandem in monarchica mutentur. Nam plane mihi persuadeo pleraque aristocratica imperia democratica prius fuisse, quod scilicet quaedam

13–14. *NS zullen . . . verlaten, indien zy . . . willen . . . konnen voeren*, i.e. *deserent, si . . . velint . . . licet.*

forces should serve without pay in a monarchy does not hold good in a state of this kind. For since the subjects are debarred both from giving advice and from voting, they must be regarded as aliens, and therefore engaged on the same terms. Nor is there any danger here that those who serve will be favoured by the council above the rest. The danger is rather that each man will, as usual, set an exaggerated value on his own services; and to prevent this it is as well for the patricians to establish a fixed payment for the performance of military duties.

10. The fact that all save the patricians are aliens is also the reason why the fields and houses and the whole territory cannot possibly remain public property, and be let out to the inhabitants at an annual rent, without danger to the whole state. For subjects who have no share in the state would be apt to leave the cities *en masse* in time of danger, if they could carry their possessions wherever they wished. Hence the fields and farms in this state must be sold, not rented, to the subjects; but they should also pay over a certain proportion of their annual return each year, and have other burdens, as is the case in Holland.[1]

11. I now turn to the fundamental laws required to support and strengthen the supreme council.[2] I have shown in Section 2 of this Chapter that in a state of moderate size the members of this council should number about five thousand. We have therefore to look for means which will ensure that, so far from the sovereignty passing gradually into fewer hands, the number of patricians is proportionately increased as the state grows larger;[3] that the greatest possible equality is maintained among the patricians; that business is speedily transacted in the assemblies; that attention is paid to the common good; and, finally, that the power of the patricians or council is greater than that of the people, but without this causing any harm to the latter.

12. The main obstacle to the achievement of the first aim is caused by jealousy. For men, as I said, are enemies by nature; so much so that they still retain their nature even when joined and bound together by laws. This, I think, is why democracies change into aristocracies, and the latter in the end into monarchies. I am fully convinced that most aristocracies were originally democracies,[4] for when a people has sought,

[1] Temple, op. cit., ch. vii, pp. 154–5.

[2] This council is partly modelled on the Grand Council of Venice.

[3] Van Hove regards *dominatio paucorum* as one of the great faults of aristocracy, and criticizes the towns of Holland in particular for failing to enlarge their councils as they increased in population (op. cit. II, ii, 6, pp. 290–1).

[4] *TP* iv, 6, p. 305, n. 3.

multitudo novas sedes quaerens, iisque inventis et cultis, imperandi aequale jus integra retinuit, quia nemo imperium alteri dat volens. Sed quamvis eorum unusquisque aequum esse censeat ut idem jus, quod alteri in ipsum est, ipsi etiam in alterum sit, iniquum tamen esse putat ut peregrinis, qui ad ipsos confluunt, aequale cum ipsis jus sit in imperio quod sibi labore quaesierant, et sui sanguinis impendio occupaverant. Quod nec ipsi peregrini renuunt; qui nimirum non ad imperandum, sed ad res suas privatas curandum eo migrant, et satis sibi concedi putant si modo ipsis libertas concedatur res suas cum securitate agendi. Sed interim multitudo ex peregrinorum confluentia augetur, qui paulatim illius gentis mores induunt, donec demum nulla alia diversitate dignoscuntur quam hoc solo quod adipiscendorum honorum jure careant; et dum horum numerus quotidie crescit, civium contra multis de causis minuitur; quippe saepe familiae extinguuntur, alii ob scelera exclusi, et plerique ob rei domesticae angustiam rempublicam negligunt, dum interea potentiores nihil studeant quam soli regnare; et sic paulatim imperium ad paucos, et tandem ob factionem ad unum redigitur. Atque his alias causas quae hujusmodi imperia destruunt adjungere possemus; sed quia satis notae sunt iisdem supersedeo, et leges quibus hoc imperium de quo agimus conservari debet ordine jam ostendam.

13. Primaria hujus imperii lex esse debet qua determinatur ratio numeri patriciorum ad multitudinem. Ratio enim (per Art. 1 hujus Cap.) inter hanc et illos habenda est ita ut pro incremento multitudinis patriciorum numerus augeatur. Atque haec (per illa quae Art. 2 hujus Cap. diximus) debet esse circiter ut 1 ad 50, hoc est, ut inaequalitas numeri patriciorum ad multitudinem nunquam major sit. Nam (per Art. 1 hujus Cap.) servata imperii forma numerus patriciorum multo major esse potest numero multitudinis. Sed in sola eorum paucitate periculum est. Qua autem ratione cavendum sit ut haec lex inviolata servetur, suo loco mox ostendam.

14. Patricii ex quibusdam tantummodo familiis aliquibus in locis

1. *OP iisque*; *NS en de zelfden*; *P*, *Gf*, and *B iis*.
2. *NS volkomentlijk*, which suggests *integre*.
6. *NS gezocht, en . . . verkregen hebben*. Hence the correct reading may be *quaesierunt . . . occupaverunt*.
17. *NS door de samenspanningen*, which is glossed *factiones*. Hence *L factiones*.
19. *NS dewijl zy* (i.e. *oorzaken*) *genoech bekent zijn*; *OP nota*.
22. *OP per Art. 1*; *NS volgens het eerste Lid*. But the doctrine, although implied in Section 1, is not explicitly stated until Section 11. Hence the correct reading may be *per Art. 11*.
28. *NS naar het getal*. Hence *L pro numero*. But wrongly, as the reference shows.

found, and cultivated new territories, it always retains the right to govern as a corporate right in which each of its members has an equal share, since no one willingly yields sovereignty to another.[1] But while each member thinks it fair that he should have against another member the same right as the other has against him, he thinks it unfair that the aliens who flock to join them should have equal rights in a state which they have won for themselves by their labours, and carved out at the cost of their blood. The new-comers, for their part, make no objection to this; since it is not to be rulers, but to further their own private interests, that they join the settlement, and they are quite content as long as they are given freedom to conduct their own business in security.[2] Meanwhile the population is constantly growing through the influx of aliens, who gradually adopt the manners and customs of the original settlers, until finally the only thing which distinguishes them is the fact that they lack the right to hold office; and while they daily grow more numerous, the citizens grow fewer. There are many reasons for this; families often die out, some men are expelled because of their crimes, and many neglect public affairs through lack of private means. In the meantime the sole ambition of the powerful is to rule by themselves; and so sovereignty is gradually concentrated in the hands of a few men, and finally, through civil strife, in the hands of one. I could add other causes which destroy states of this kind,[3] but since they are quite well known I pass them over in silence, and shall now describe in their order of importance the laws required to preserve the kind of state we are discussing.

13. The principal law of this kind of state must be that which determines the ratio of patricians to people; for (by Section 1 of this Chapter) there should be a fixed ratio between them, so that as the population increases the number of patricians is raised proportionately. This ratio (according to our statement in Section 2 of this Chapter) should be about one to fifty, by which I mean that the proportion of patricians to people should never be lower. It *can* be higher; for (by Section 1 of this Chapter) the patricians can greatly outnumber the commons, and the state still remain an aristocracy; it is only in their fewness that danger lies. The means of ensuring that this law is kept inviolate I shall presently describe in their place.

14. In some places the patricians are chosen from certain families

[1] *TP* vii, 5 and n. 2, p. 339.
[2] Machiavelli, *Discourses* i, 6.
[3] These are discussed by Aristotle in *Politics* 1305$^{b}$–1307$^{b}$.

eliguntur. Sed hoc expresso jure statuere perniciosum est. Nam praeterquam quod familiae saepe extinguuntur, et quod nunquam reliquae absque ignominia excluduntur, accedit quod hujus imperii formae repugnat ut patricia dignitas haereditaria sit, per Art. 1 hujus Cap. Sed imperium hac ratione democraticum potius videretur quale in Art. 12 hujus Cap. descripsimus, quod scilicet paucissimi tenent cives. Attamen contra cavere ne patricii filios suos et consanguineos eligant, et consequenter ne imperandi jus in quibusdam familiis maneat, impossibile est, imo absurdum, ut Art. 39 hujus Cap. ostendam. Verum, modo id nullo expresso jure obtineant, nec reliqui (qui scilicet in imperio nati sunt, et patrio sermone utuntur, nec uxorem peregrinam habent, nec infames sunt, nec serviunt, nec denique servili aliquo officio vitam sustentant—inter quos etiam oenopolae et cerevisiarii et alii hujusmodi numerandi sunt) excludantur, retinebitur nihilominus imperii forma, et ratio inter patricios et multitudinem servari semper poterit.

15. Quod si praeterea lege statuatur ut nulli juniores eligantur, nunquam fiet ut paucae familiae jus imperandi retineant; atque adeo lege statuendum ut nullus nisi qui ad annum aetatis trigesimum pervenit in catalogum eligendorum referri possit.

16. Tertio deinde statuendum est ut patricii omnes in quodam urbis loco statutis certis temporibus congregari debeant, et qui, nisi morbo aut publico aliquo negotio impeditus, concilio non interfuerit, sensibili aliqua pecuniae poena mulctetur. Nam ni hoc fieret, plurimi, ob rei domesticae curam, publicam negligerent.

17. Hujus concilii officium sit leges condere et abrogare, collegas patricios et omnes imperii ministros eligere. Non enim fieri potest ut is qui supremum jus habet, ut hoc concilium habere statuimus, alicui potestatem det leges condendi et abrogandi, quin simul jure suo cedat, et in illum id transferat cui illam potestatem dedit; quippe qui vel uno

3–4. *NS* punctuates *accedit* (*quod . . . repugnat*) *ut*.
5. *NS zou . . . schijnen*, i.e. *videretur*; *OP videtur*.
12. *P nec serviunt*; *NS en niet onëerlijk noch dienstbaar zijn*; *OP nunc serviunt*.
13–14. *OP oenopolae et cerevisiarii*; *NS de kroeghouders, tappers en andere diergelijken*. I therefore insert *et alii hujusmodi*.

only:[1] but to lay down a definite law to this effect is disastrous. For families often die out; those which are excluded always feel disgraced; what is more, it is contrary to the nature of aristocracy for patrician status to be hereditary, by Section 1 of this Chapter. In fact, this regulation would make the state more like a democracy such as we have described in Section 12 of this Chapter, where sovereignty is vested in very few citizens. On the other hand, to prevent the right to rule from remaining in the hands of certain families by preventing the patricians from appointing their own sons and kinsmen is not only impossible but absurd, as I shall show in Section 39 of this Chapter. However, as long as there is no explicit law giving some families the right to rule and excluding the rest (by the rest I mean those who have been born in the state and speak the mother tongue, are not married to aliens, have no criminal record, are not servants, and, finally, do not support life by any menial occupation—a condition which will exclude ale-house-keepers, tapsters, and the like[2]), the form of the state will be preserved, and it will always be possible to maintain the ratio of patricians to people.

15. Besides, if there is a law that no young men may be appointed, it will never be possible for a few families to monopolize the right to rule; and so a law must be made that only those who have reached their thirtieth year can be placed on the roll of candidates.[3]

16. Thirdly, all the patricians must be required by law to assemble at a particular place in the city at certain fixed times, and any man who does not attend the council—those prevented by illness or some public business excepted—should be heavily fined. Otherwise most patricians would neglect public affairs to attend to their private concerns.

17. The duty of this council should be to make and repeal laws, to co-opt to the patriciate, and to appoint all the ministers of state.[4] For he who holds sovereignty—as by my account this council does—cannot possibly give anyone the power to make and repeal laws without at once renouncing his own right and transferring it to the person to whom he gives that power; since anyone who has power to make and

[1] Venice and Genoa kept rolls of their noble families (the *Libro d'Oro* and the *Liber Civitatis* respectively), and membership of their Grand Councils was confined to men whose names were on these rolls.

[2] Van Hove excludes the same classes (op. cit. III, iii, 4, pp. 564–5).

[3] At Venice a noble became a member of the Grand Council on reaching the age of twenty-five.

[4] These were also functions of the Grand Council of Venice, which could confer nobility, but exercised this right very sparingly.

solo die potestatem habet leges condendi et abrogandi, ille totam imperii formam mutare potest. At quotidiana imperii negotia aliis ad tempus secundum constituta jura administranda tradere, retento supremo suo jure, potest. Praeterea, si imperii ministri ab alio quam ab hoc concilio eligerentur, tum hujus concilii membra pupilli potius quam patricii appellandi essent.

18. Huic concilio solent quidam rectorem seu principem creare, vel ad vitam, ut Veneti, vel ad tempus, ut Genuenses, sed tanta cum cautione ut satis appareat id non sine magno imperii periculo fieri. Et sane dubitare non possumus quin imperium hac ratione ad monarchicum accedat; et, quantum ex eorum historiis conjicere possumus, nulla alia de causa id factum est quam quia ante constituta haec concilia sub rectore vel duce veluti sub rege fuerant; atque adeo rectoris creatio gentis quidem, sed non imperii aristocratici absolute considerati requisitum necessarium est.

19. Attamen quia summa hujus imperii potestas penes universum hoc concilium, non autem penes unumquodque ejusdem membrum est (nam alias coetus esset inordinatae multitudinis), necesse ergo est ut patricii omnes legibus ita astringantur ut unum veluti corpus quod una regitur mente componant. At leges per se solae invalidae sunt, et facile franguntur ubi earum vindices ii ipsi sunt qui peccare possunt, quique soli exemplum ex supplicio capere debent, et collegas ea de causa punire ut suum appetitum ejusdem supplicii metu frenent; quod magnum est absurdum. Atque adeo medium quaerendum est quo supremi hujus concilii ordo et imperii jura inviolata serventur, ita tamen ut inter patricios aequalitas quanta dari potest sit.

20. Cum autem ex uno rectore vel principe, qui etiam in conciliis suffragium ferre potest, magna necessario oriri debeat inaequalitas, praesertim ob potentiam quae ipsi necessario concedi debet ut suo

7. *OP Huic*; *NS over deze Raatvergadering*; *P* and *B Hinc*.
13. *NS hebben geweest*.

repeal laws even for a single day is in a position to change the whole form of the state. What the sovereign *can* do without renouncing his right is to entrust others temporarily with the duty of handling the daily business of the state in accordance with the laws established. Besides, if the ministers of state were appointed by any other council, the members of this council would deserve to be called bejants rather than regents.

18. Some are wont to appoint a governor or president over this council, either for life, like the Venetians, or for a definite time, like the Genoese;[1] but they do so with such circumspection as to make it quite clear that the practice necessarily involves great danger to the constitution.[2] Indeed, we cannot doubt that it brings the state very close to monarchy; and as far as I can gather from their history, the only reason for it is that before the institution of their councils they were subject to a governor or doge who ruled them like a king. Thus while the appointment of a governor meets a need of the race, it is not an indispensable requirement of aristocracy as such.

19. Nevertheless, since the sovereignty in this type of state is vested in this council as a whole, and not in each of its members separately (for otherwise it would be the gathering of a disorderly mob), it is necessary that all the patricians should be bound together so closely by laws that they form one body directed by one mind. But laws in themselves are weak, and are easily broken when their guardians are precisely the men who are in a position to break them, and the only men who must take a lesson from the punishment; for then they have to chastise their colleagues in order to curb their own ambition by fear of the same penalty, and this is quite absurd. We therefore need a means of keeping the organization of this supreme council and the laws of the state intact, while still ensuring the greatest possible equality among the patricians.

20. Now the creation of a single governor or president, who has also the right to vote at meetings of the assembly, must inevitably lead to great inequality, primarily because of the power which must necessarily

[1] At Venice the Doge was appointed for life: at Genoa for two years.

[2] Spinoza is thinking partly of the elaborate process, designed to make favouritism impossible, by which a Venetian Doge was elected; and partly of *i cinque correttori alla promission ducale*, a commission of five men appointed on the death of each Doge to review the powers of the office in the interests of public freedom. The recommendations of this commission, if accepted by the Grand Council, were binding on the new Doge, and in this way the ducal powers came to be more and more strictly defined. See *Mémoires historiques et politiques sur la République de Venise*, vol. i, ch. v, pp. 95–110.

officio securius fungi possit, nihil ergo, si omnia recte perpendamus, communi saluti utilius institui potest quam quod huic supremo concilio aliud subordinetur ex quibusdam patriciis, quorum officium solummodo sit observare ut imperii jura quae concilia et imperii ministros concernunt inviolata serventur; qui propterea potestatem habeant delinquentem quemcunque imperii ministrum, qui scilicet contra jura quae ipsius ministerium concernunt peccavit, coram suo judicio vocandi, et secundum constituta jura damnandi: atque hos imposterum syndicos appellabimus.

21. Atque hi ad vitam eligendi sunt. Nam si ad tempus eligerentur, ita ut postea ad alia imperii officia vocari possent, in absurdum quod Art. 19 hujus Cap. modo ostendimus incideremus. Sed ne longa admodum dominatione nimium superbiant, nulli ad hoc ministerium eligendi sunt nisi qui ad annum aetatis sexagesimum aut ultra perverunt, et senatorio officio (de quo infra) functi sunt.

22. Horum praeterea numerum facile determinabimus, si consideremus hos syndicos ad patricios sese habere ut omnes simul patricii ad multitudinem, quam regere nequeunt si justo numero pauciores sunt; ac proinde syndicorum numerus ad patriciorum numerum debet esse ut horum numerus ad numerum multitudinis, hoc est (per Art. 13 hujus Cap.) ut 1 ad 50.

23. Praeterea, ut hoc concilium secure suo officio fungi possit, militiae pars aliqua eidem decernenda est, cui imperare quid velit possit.

24. Syndicis vel cuicunque status ministro stipendium nullum, sed emolumenta decernenda sunt talia ut non possint sine magno suo damno rempublicam prave administrare. Nam quod hujus imperii ministris aequum sit vacationis praemium decerni dubitare non possumus, quia major hujus imperii pars plebs est, cujus securitati patricii invigilant, dum ipsa nullam rei publicae sed tantum privatae curam habet. Verum quia contra nemo (ut Art. 4 Cap. 7 diximus) alterius causam

10–12. *NS verkiest . . . beroepen konnen worden . . . zullen vervallen. V–L possent*; *OP possint.*

12–13. *NS op dat zy . . . niet al te verwaant zouden worden.* Hence *L nimium. OP nimirum.*

27. *L vacationis*; *OP vocationis.* Cf. p. 350, l. 27, and p. 352, l. 14, where *OP* has *vacationis* in both cases. *NS vergelding voor hun bezigheit.*

29. *P rei publicae*; *OP Reip.*; *G Reipublicae.*

be given him if he is to perform his functions in comparative safety. Thus, if we weigh up all the considerations correctly, the means most conducive to the general welfare is to establish another council, subordinate to the supreme council I have described above, and composed of several patricians, whose sole duty should be to see that the state laws concerning the assemblies and ministers are kept unbroken; and who should therefore have the power to summon before their tribunal, and to condemn in accordance with the laws established, any minister of state who is guilty of transgressing the regulations concerning his office. These in future I shall call syndics.[1]

21. These syndics should be appointed for life; for if they were appointed for a certain period, and thus could be elected later to other offices of state, we should fall into the absurdity which I have just pointed out in Section 19 of this Chapter. But to prevent their becoming too arrogant through a very long term of rule, none must be appointed to this office save ex-senators (see below) who have reached their sixtieth year or beyond.

22. The number of these syndics will easily be determined if we consider that they stand to the patricians as the whole body of patricians stands to the commons, which the patricians cannot control if they fall below the requisite number; so the ratio of syndics to patricians must be the same as the ratio of patricians to commons, that is (by Section 13 of this Chapter) one to fifty.

23. Moreover, to ensure that this council may be able to perform its functions in safety, a part of the armed forces must be assigned to it and put entirely at its disposal.[2]

24. Syndics and ministers of state should not be paid a fixed salary, but assigned such sources of income that they cannot maladminister public affairs without great loss to themselves. That justice requires the ministers of this state to be assigned a reward for their services we cannot doubt; for while the patricians devote their attention to the security of the commons, who in this case make up the greater part of the state, the latter have no public duties, but only their private affairs to look after. Since, however, men only defend the cause of others in so far as they think that it serves their own interests to do so (as I said in

[1] The Areopagites of ancient Athens had similar supervisory and judicial powers, and were also appointed for life; but Spinoza probably has in mind the *Dieci* and *Avogadori di commun* of Venice (*Mémoires*, vol. i, ch. iv, pp. 72–94, and ch. vi, pp. 118–22), though these magistrates were not appointed for life. In their possession of the *dictatoria potestas* (*TP* x, 2, p. 431) his syndics resemble the *Dieci:* in other respects the *Avogadori.*

[2] The *Dieci* had a military guard.

defendit nisi quatenus rem suam eo ipso stabilire credit, res necessario ita ordinandae sunt ut ministri qui reipublicae curam habent tum maxime sibi consulant, cum maxime communi bono invigilant.

25. Syndicis igitur, quorum officium, uti diximus, est observare ut imperii jura inviolata serventur, haec emolumenta decernenda sunt: videlicet ut unusquisque paterfamilias qui in aliquo imperii loco habitat quotannis nummum parvi valoris, nempe argenti unciae quartam partem, solvere teneatur syndicis; ut inde numerum inhabitantium cognoscere possint, atque adeo observare quotam ejus partem patricii efficiant. Deinde, ut unusquisque patricius tyro, ut electus est, syndicis numerare debeat summam aliquam magnam, ex. gr. viginti aut viginti quinque argenti libras. Praeterea pecunia illa, qua absentes patricii (qui scilicet convocato concilio non interfuerunt) condemnantur, syndicis etiam decernenda est, et insuper ut pars bonorum delinquentium ministrorum, qui eorum judicio stare tenentur, et qui certa pecuniae summa mulctantur, vel quorum bona proscribuntur, iisdem dedicetur; non quidem omnibus, sed iis tantummodo qui quotidie sedent, et quorum officium est syndicorum concilium convocare, de quibus vide Art. 28 hujus Cap. Ut autem syndicorum concilium suo semper numero constet, ante omnia in supremo concilio solito tempore convocato de eo quaestio habenda est. Quod si a syndicis neglectum fuerit, ut tum ei qui senatui (de quo mox erit nobis dicendi locus) praeest supremum concilium ea de re monere incumbat, et a syndicorum praeside silentii habiti causam exigere, et quid de ea supremi concilii sententia sit inquirere. Quod si is etiam tacuerit, ut causa ab eo qui supremo judicio praeest, vel eo etiam tacente ab alio quocunque patricio suscipiatur, qui tam a syndicorum quam senatus et judicum praeside silentii rationem exigat. Denique, ut lex illa qua juniores secluduntur stricte etiam observetur, statuendum est ut omnes qui ad annum aetatis trigesimum pervenerunt, quique expresso jure a regimine non secluduntur, suum nomen in catalogo coram syndicis inscribi curent, et accepti honoris signum quoddam statuto aliquo pretio ab iisdem accipere,

Section 4, Chapter 7), the administration must necessarily be organized so that ministers in charge of public affairs take most care of their own interests when they pay most heed to the common good.

25. Thus the syndics, whose duty, as I said, is to see that the laws of the state are kept unbroken, must be assigned the following remuneration. Every family head who lives in any part of the state should be bound to pay a small coin, say a quarter of an ounce of silver, to the syndics each year; the latter will thus be able to discover the number of the inhabitants, and to note what proportion thereof is made up by patricians. Next, each new patrician must pay the syndics a large sum on his election, e.g. twenty or twenty-five pounds of silver.[1] In addition, the money fines imposed on absent patricians (i.e. on those who have absented themselves from a meeting of the council) must also be assigned to the syndics, and part of the goods of offending ministers—who, on submitting (as they must) to the syndics' jurisdiction, are condemned to pay a fine or to have their possessions confiscated—should be made over to them as well;[2] not, indeed, to all of them, but only to those who are sitting every day,[3] and whose duty it is to summon the council of syndics. For these see Section 28 of this Chapter. To ensure that the council of syndics always contains its proper complement of members, their number must be the first point raised at each regular meeting of the supreme council. If the syndics neglect this duty, it should then fall to the president of the senate (of which we shall have to speak presently) to raise the point in the supreme council, to demand from the president of the syndics an explanation of his silence, and to ask the supreme council for its opinion on the matter. If he says nothing either, the question should be taken up by the president of the supreme court, or, failing him, by any other patrician; who should demand an explanation of their silence from the presidents of the senate and court as well as from the president of the syndics. Next, to ensure that the law by which young men are excluded is also strictly observed, it must be laid down that all who have reached their thirtieth year, and are not debarred by explicit law from a share in the government, should see that their names are inscribed on a roll kept by the syndics, and procure from them, for a fixed sum of money, some token of the status they have acquired; this will allow them to assume a

[1] At Venice the *Avogadori* had charge of the *Libro d'Oro* (*Mémoires*, vol. i, ch. i, p. 12).
[2] The *Avogadori* received part of the fines imposed on offenders (op. cit., ch. vi, p. 121).
[3] At Venice the three *Capi di Dieci* met daily in a room in the ducal palace (op. cit., ch. iv, p. 77).

ut ipsis liceat certum ornatum iis tantummodo concessum induere, quo dignoscantur et in honore a reliquis habeantur. Et interim jure constitutum sit ut in electionibus nulli patricio quenquam nominare liceat nisi cujus nomen in communi catalogo inscriptum est, idque sub gravi poena; et praeterea ne cuiquam liceat officium sive munus ad quod subeundum eligitur recusare. Denique, ut omnia absolute fundamentalia imperii jura aeterna sint, statuendum est, si quis in supremo concilio quaestionem de jure aliquo fundamentali moverit, utpote de prolonganda alicujus ducis exercitus dominatione, vel de numero patriciorum minuendo, et similibus, ut reus majestatis sit, et non tantum mortis damnetur, ejusque bona proscribantur, sed ut supplicii aliquod signum in aeternam rei memoriam in publico emineat. Ad reliqua vero communia imperii jura stabiliendum sufficit si modo statuatur ut lex nulla abrogari nec nova condi possit nisi prius syndicorum concilium, et deinde supremi concilii tres quartae aut quatuor quintae partes in eo convenerint.

26. Jus praeterea supremum concilium convocandi resque decernendas in eodem proponendi penes syndicos sit, quibus etiam primus locus in concilio concedatur, sed sine jure suffragii. Verum antequam sedeant, jurare debent per salutem supremi illius concilii, perque libertatem publicam, se summo studio conaturos ut jura patria inviolata serventur et communi bono consulatur; quo facto res proponendas ordine aperiant per ministrum qui ipsis a secretis est.

27. Ut autem in decernendo et in eligendis imperii ministris omnibus patriciis aequa sit potestas, et celeris expeditio in omnibus detur, omnino probandus est ordo quem Veneti observant, qui scilicet ad nominandos imperii ministros aliquot e concilio sorte eligunt, et, ab his ordine ministris eligendis nominatis, unusquisque patricius sententiam suam qua propositum ministrum eligendum probat vel reprobat indicat calculis, ita ut postea ignoretur quisnam hujus aut illius sententiae fuerit auctor. Quo fit non tantum ut omnium patriciorum in

2. *NS boven d' anderen*, which suggests *prae reliquis.*
10. *NS of van andere diergelijke dingen*, which suggests *vel similibus.*

certain dress granted to them alone, to distinguish them from the rest and give them a higher standing. Meanwhile it must be laid down by law that at election times no patrician may nominate anyone whose name is not entered on the general roll, except under a heavy penalty; and also that none may refuse a post or duty which he is appointed to undertake.[1] Finally, that all the laws of the state which are absolutely fundamental may remain in force for ever, it must be laid down that if anyone calls in question any fundamental law in the supreme council —moves, for example, that the command of some general should be extended, or that the number of patricians should be diminished, or the like—he should be arraigned for high treason; and not only be condemned to death and the loss of his possessions, but have a record of his punishment prominently displayed in a public place to perpetuate the memory of his crime. But to strengthen the other general laws of the state it is enough to enact that no law can be repealed, or a new one made, unless first the council of syndics, and then three-fourths or four-fifths of the supreme council have agreed to it.

26. The right to summon the supreme council, and to bring up matters for its decision, should be vested in the syndics,[2] who should also be given the place of honour in the assembly, but without the right to vote. Before they take their seats, however, they must swear by the safety of the supreme council, and by public liberty, to do their utmost to keep the laws of their fathers inviolate and promote the common welfare; after which they should, through their secretary, set out in order the matters to be brought up for discussion.

27. As a means of ensuring that all the patricians have equal influence in the making of decisions and the appointment of ministers of state, and that all business is dealt with quickly, the system followed by the Venetians deserves our full approval. To nominate ministers of state they appoint some members of the council by lot;[3] and when these have nominated the candidates in order, every patrician votes for or against each nominee by secret ballot, so that nobody knows afterwards who has been the author of any particular vote. This ensures not only

[1] Refusal of some Venetian magistracies was punishable by a fine (*Mémoires*, vol. i, ch. vii, p. 138).

[2] Meetings of the Grand Council of Venice were regularly summoned by the *Signoria* (i.e. the Doge, his six councillors, and the three *Capi Superiori*), which presided in the assembly (op. cit., ch. i, p. 9). But the *Avogadori* could summon extraordinary meetings of any council in the state (op. cit., ch. vi, p. 121).

[3] Thirty-six, divided into four groups of nine. When there were nine offices to be filled each member of each group nominated a candidate for one office (op. cit., ch. i, pp. 20–26; Van Hove, *Polityke Weegschaal* II, iv, 2, pp. 317 and ff.).

decernendo auctoritas aequalis sit, et ut negotia cito expediantur, sed etiam ut unusquisque absolutam libertatem, quod in conciliis apprime necessarium est, habeat suam sententiam absque ullo invidiae periculo proferendi.

28. In syndicorum etiam et reliquis conciliis idem ordo observandus est, ut scilicet suffragia calculis ferantur. Jus autem syndicorum concilium convocandi, resque in eodem decernendas proponendi, penes eorundem praesidem esse oportet, qui cum aliis decem aut pluribus syndicis quotidie sedeat ad plebis de ministris querelas et secretas accusationes audiendum, et accusatos, si res postulat, asservandos, et concilium convocandum etiam ante constitutum tempus quo congregari solet, si in mora periculum esse eorum aliquis judicaverit. At hic praeses et qui cum ipso quotidie congregantur a supremo concilio eligi, et quidem ex syndicorum numero debent, non quidem ad vitam, sed in sex menses, nec continuari nisi post tres aut quatuor annos: atque his, ut supra diximus, proscripta bona et pecuniarum mulctae vel eorum pars aliqua decernenda est. Reliqua quae syndicos spectant suis in locis dicemus.

29. Secundum concilium quod supremo subordinandum est senatum appellavimus; cujus officium sit publica negotia agere, ex. gr. imperii jura promulgare, urbium munimenta secundum jura ordinare, diplomata militiae dare, tributa subditis imponere, eaque collocare, externis legatis respondere, et quo legati mittendi sunt decernere. Sed ipsos legatos eligere supremi concilii officium sit; nam id apprime observandum est ne patricius ad aliquod imperii ministerium vocari possit nisi ab ipso supremo concilio, ne ipsi patricii senatus gratiam aucupari studeant. Deinde illa omnia ad supremum concilium deferenda sunt quae praesentem rerum statum aliqua ratione mutant, uti sunt belli et pacis decreta; quare senatus decreta de bello et pace, ut rata sint, supremi

10. *NS de beschuldigden te beschutten.* Hence *G accusatos asservandos. OP accusatores asservandos. G* holds that the Dutch translator mistranslated *asservandos*, which means 'to arrest' as on p. 250, l. 4: *Josua illos asservandos censet.* If the *OP* text is right, *asservare* must mean 'to take into protective custody'; but there seems no need for protective custody if the accusations are secret.

15. *NS zonder in hun ampt verlangt te worden, en het zelfde weêr te konnen bedienen. G*, who refers to p. 322, ll. 4–6, and p. 374, ll. 18–19, suggests that something has fallen out of the *OP* text; but the Dutch is simply an expansion of *continuari*, which on p. 392, l. 8 is translated by *weêr verkozen worden.* So is *continuari iterum* on p. 392, l. 15.

20. *OP appellabimus*; *NS zullen wy . . . noemen.* But Spinoza has already referred to the senate by name on p. 386, l. 22. I therefore read *appellavimus.* Spinoza's handwriting encourages this sort of corruption: see, for example, how he writes *festinavit* in n. 14 as preserved on p. 117 of the Königsberg copy of the *TT-P.* Cf. also p. 408, l. 22, where *OP* has the true reading *observavimus*, but *NS wy . . . zullen waarneemen.*

that all the patricians have equal authority in the making of decisions, and that business is dealt with quickly, but also that each one of them is absolutely free to cast his vote without any danger of unpopularity: which is the main essential in assemblies.

28. In the council of syndics and the other councils the same system must be followed, i.e. votes must be cast by secret ballot. But the right to summon the council of syndics, and to bring up matters for its decision, should be vested in their own president, who should sit every day with at least ten other syndics to hear the complaints and secret accusations made against ministers by the common people,[1] to take the accused into custody if necessary, and to summon his council even before the time laid down for its regular session if he or any of his colleagues thinks that delay is dangerous. This president, and those who meet with him every day, must be chosen by the supreme council, and, of course, from the syndics, not for life, but for six months; and they must not have their term extended, or be re-appointed except after an interval of three or four years. It is to these, as I said above, that the confiscated goods and money fines, or at least a part of them, must be assigned. The other laws concerning the syndics I shall set out in their place.

29. The second council to be created under the supreme council I have called the senate.[2] Its duty should be to handle public affairs, e.g. to publish state laws, to organize the defence of the cities in accordance with the laws, to give commissions to the armed forces, to impose taxes on the subjects, to expend them, to reply to foreign envoys, and to decide where envoys must be sent. But to appoint the actual envoys should be the function of the supreme council;[3] for the utmost care must be taken to ensure that no patrician can be appointed to an office of state save by the supreme council, lest the patricians themselves try to curry favour with the senate. Moreover all decisions which in any way alter the existing state of affairs, e.g. decisions about war and peace, must be referred to the supreme council; hence the decisions of the senate about war and peace must be confirmed by the authority of the

[1] At Venice anyone could denounce a citizen to the *Capi di Dieci* by placing a signed accusation in the mouth of the Lion of St. Mark (W. C. Hazlitt, *The Venetian Republic*, Black, London, 1900, vol. ii, ch. 52, p. 543).

[2] Spinoza's senate resembles both the Council of State of the Netherlands and the Senate of Venice.

[3] But he will not allow his senate the right to appoint ambassadors possessed by the Venetian Senate (Hazlitt, op. cit., ch. 48, pp. 438–9).

concilii auctoritate firmanda sunt: et hac de causa judicarem ad solum supremum concilium, non ad senatum, pertinere nova tributa imponere.

30. Ad senatorum numerum determinandum haec consideranda veniunt: primo ut omnibus patriciis spes aeque magna sit ordinem senatorium recipiendi; deinde ut nihilominus iidem senatores, quorum tempus in quod electi fuerant elapsum est, non magno post intervallo continuari possint, ut sic imperium a viris peritis et expertis semper regatur; et denique ut inter senatores plures reperiantur sapientia et virtute clari. Ad has autem omnes conditiones obtinendas nihil aliud excogitari potest, quam quod lege institutum sit ut nullus nisi qui ad annum aetatis quinquagesimum pervenit in ordinem senatorium recipiatur, et ut quadringenti, hoc est, ut patriciorum una circiter duodecima pars in annum eligatur, quo elapso post biennium iidem continuari iterum possint. Hoc namque modo semper patriciorum una circiter quarta pars brevibus tantummodo interpositis intervallis munus senatorium subibit; qui sane numerus una cum illo quem syndici conficiunt non multum superabitur a numero patriciorum qui annum aetatis quinquagesimum attigerunt. Atque adeo omnibus patriciis magna semper erit spes senatorum aut syndicorum ordinem adipiscendi, et nihilominus iidem patricii, interpositis tantummodo, uti diximus, brevibus intervallis, senatorium ordinem semper tenebunt, et (per illa quae Art. 2 hujus Cap. diximus) nunquam in senatu deerunt viri praestantissimi qui consilio et arte pollent. Et quia haec lex frangi non potest absque magna multorum patriciorum invidia, nulla alia cautione ut valida semper sit opus est quam ut unusquisque patricius, qui eo quo diximus aetatis pervenit, syndicis ejus rei testimonium ostendat, qui ipsius nomen in catalogum eorum qui senatoriis muneribus adipiscendis destinantur reponent, et in supremo concilio legent, ut locum in hoc supremo concilio similibus dicatum, et qui senatorum loco proximus sit, cum reliquis ejusdem ordinis occupet.

31. Senatorum emolumenta talia esse debent ut iis major utilitas

15–16. *NS omtrent een vierde deel*, i.e. *una circiter quarta pars*; *OP una circiter duodecima pars*. Sense requires *quarta*; in practice, senatorial rank is to be confined to 1,200 men who serve in groups of 400, each group resuming office after an interval of two years. The reading *duodecima* has been foisted in from the previous sentence.

18. *OP superabitur*; *NS overtroffen zal worden*; *Gf separabitur*.

supreme council if they are to be valid.[1] For the same reason I should say that it is for the supreme council alone, and not for the senate, to impose new taxes.[2]

30. To determine the number of the senators we must consider the following points: first, all the patricians must have an equal hope of attaining senatorial rank; yet, secondly, senators whose term of office has expired must be eligible for re-appointment after a short interval, so that the state may always be directed by men of skill and experience; and finally, many of the senators must be men who are noted for wisdom and ability. Now the only means that can be devised to satisfy all these conditions is to establish by law that only those who have reached their fiftieth year should be admitted to senatorial rank; that four hundred, i.e. about a twelfth of the patricians, should be appointed for a year;[3] and that when their term has elapsed the same men should be eligible for re-appointment after an interval of two years. In this way there will always be roughly a fourth of the patricians serving as senators, with only short intervals between their periods of office; a number which, when added to that made up by the syndics, will certainly not be greatly exceeded by the number of patricians who have reached their fiftieth year. Thus every patrician will always have high hopes of attaining the position of senator or syndic, yet the position of senator will always be held by the same patricians, with only short intervals, as I said, between their periods of service; and (according to what I said in Section 2 of this Chapter) the senate will never lack outstanding men of great wisdom and skill. And since this law cannot be broken without arousing great jealousy in a large number of patricians, the only safeguard required to ensure that it shall always be maintained is that every patrician who has reached the age laid down should give proof of this fact to the syndics, who will enter his name on the roll of those destined to attain senatorial office, and read it out in the supreme council, so that he may acquire the seat in that council which is assigned to such persons, next to the seats of the senators, and take his place with others of the same status.

31. The remuneration of senators must be such that they derive

[1] Nor will he give it the Venetian Senate's right to make war and peace (*Mémoires*, vol. i, ch. i, p. 13).

[2] The Venetian Senate could not impose new taxes without the authority of the Grand Council (op. cit., ch. i, p. 14).

[3] Venetian senators were also appointed for a year, but could be re-appointed immediately (op. cit., ch. i, p. 11; Van Hove, *Polityke Weegschaal* II, iv, 5, p. 331).

ex pace quam ex bello sit; atque adeo ex mercibus quae ex imperio in alias regiones, vel quae ex aliis regionibus in imperium portantur, una centesima aut quinquagesima pars ipsis decernatur. Nam dubitare non possumus quin hac ratione pacem quantum poterunt tuebuntur, et bellum nunquam protrahere studebunt. Nec ab hoc vectigali solvendo ipsi senatores, si eorum aliqui mercatores fuerint, immunes esse debent: nam talis immunitas non sine magna commercii jactura concedi potest, quod neminem ignorare credo. Porro contra statuendum lege est ut senator, vel qui senatoris officio functus est, nullo militiae munere fungi possit; et praeterea ut nullum ducem vel praetorem, quos tempore belli tantummodo exercitui praebendos diximus Art. 9 hujus Capitis, renunciare liceat ex iis quorum pater vel avus senator est, vel senatoriam dignitatem intra biennium habuit. Nec dubitare possumus quin patricii qui extra senatum sunt haec jura summa vi defendant; atque adeo fiet ut senatoribus majus semper emolumentum ex pace quam ex bello sit; qui propterea bellum nunquam nisi summa imperii necessitate cogente suadebunt. At objici nobis potest quod hac ratione, si scilicet syndicis et senatoribus adeo magna emolumenta decernenda sunt, imperium aristocraticum non minus onerosum subditis erit quam quodcunque monarchicum. Sed praeterquam quod regiae aulae majores sumptus requirunt, qui tamen ad pacem tutandam non praebentur, et quod pax nunquam nimis caro pretio emi possit, accedit primo quod id omne quod in monarchico imperio in unum aut paucos, in hoc in plurimos confertur. Deinde reges eorumque ministri onera imperii cum subditis non ferunt, quod in hoc contra accidit; nam patricii, qui semper ex ditioribus eliguntur, maximam partem reipublicae conferunt. Denique imperii monarchici onera non tam ex regiis sumptibus quam ex ejusdem arcanis oriuntur. Onera enim imperii quae pacis et libertatis tutandae causa civibus imponuntur, quamvis magna sint, sustinentur tamen et pacis utilitate feruntur. Quae gens unquam tot tamque gravia vectigalia pendere debuit ut Hollandica? Atqui haec non tantum non exhausta, quin contra opibus adeo potens fuit ut ejus fortunam omnes inviderent. Si itaque imperii monarchici onera pacis causa imponerentur, cives non

11. *NS over 't heir gestelt moeten worden*, which suggests *exercitui praeficiendos*.

21. *Gf qui*; *OP quae*; *NS de welken echter zich niet genegen tonen om de vrede te verdedigen*. Evidently the translator could only make sense of *quae* by mistranslating the rest of the clause. *qui* is supported by *Si itaque imperii monarchici onera pacis causa imponerentur* in ll. 33–34.

27. *NS maken het grootste deel van de gemene Staat*, which suggests *conficiunt*. But we have already been told on p. 384, l. 28 that *major hujus imperii pars plebs est*.

32. *NS en echter*, i.e. *Atqui*; *OP Atque*. See the note on p. 358, l. 4.

greater advantage from peace than from war;[1] so they should be assigned the proceeds of a duty of one or two per cent. on imports and exports. For we cannot doubt that they will then do their utmost to maintain peace, and will never seek to prolong a war. Nor should senators themselves, supposing that some of them are traders, be exempt from the payment of this duty; for such exemption—as, I think, is universally known—cannot be granted without great damage to commerce. On the other hand it must be laid down by law that no senator or ex-senator can perform any military duty; and, furthermore, that no one whose father or grandfather is a senator, or has held the position of senator within the previous two years, may be appointed commander-in-chief or field-commander, officers who, as I said in Section 9 of this Chapter, must be provided for the army only in time of war. We cannot doubt that the patricians who are not members of the senate will defend these regulations with all their power; so the senators will always have more to gain from peace than from war, and thus will never advise war unless the vital interests of the state force them to do so. It may however be objected that this measure of mine, by assigning such large rewards to the syndics and senators, will make aristocracy as burdensome to the subjects as any monarchy. But besides the fact that the cost of a royal court is greater, though no contribution to the preservation of peace, and that peace can never be bought too dearly, I have these further points in my favour. First, everything that falls in a monarchy to one man or a few is here shared by a great many. Next, kings and their ministers do not bear the burdens of the state along with their subjects, but in this case the opposite happens; for the patricians, who are always chosen from the wealthier classes, bear most of the burdens of the state. Finally, the burdensome nature of monarchy is due less to royal expenditure than to the secret aims of its government. For when state burdens are imposed on citizens to preserve peace and freedom, their weight does not matter; they are borne, and the benefits of peace make it possible to support them. What nation ever had to pay so many heavy taxes as the Dutch?[2] Yet these, so far from being exhausted, became so wealthy that their prosperity was the envy of all. Thus if the burdens of monarchy were imposed for the sake of peace they would not crush the citizens; as I have said,

[1] In order that members of the Netherlands Council of State should not make a profit from war they were forbidden on oath to engage in the provision of military stores (Janiçon, *État présent*, ch. iii, pp. 190–1).

[2] Temple, *Observations*, ch. iv, p. 102.

premerent; sed, uti dixi, ex hujusmodi imperii arcanis fit ut subditi oneri succumbant; nempe quia regum virtus magis in bello quam in pace valet, et quod ii qui soli regnare volunt summopere conari debent ut subditos inopes habeant; ut jam alia taceam quae prudentissimus Belga V. H. olim notavit, quia ad meum institutum, quod solummodo est imperii cujuscunque optimum statum describere, non spectant.

32. In senatu aliqui ex syndicis, a supremo concilio electi, sedere debent, sed sine suffragii jure; nempe ut observent num jura quae illud concilium spectant recte serventur, et ut supremum concilium convocari curent quando ex senatu ad ipsum supremum concilium aliquid deferendum est. Nam jus supremum hoc concilium convocandi resque in eo decernendas proponendi penes syndicos, ut jam diximus, est. Sed antequam de similibus suffragia colligantur, qui senatui tum praesidet rerum statum, et quaenam de re proposita ipsius senatus sit sententia, et quibus de causis, docebit; quo facto suffragia solito ordine colligenda erunt.

33. Integer senatus non quotidie, sed, ut omnia magna concilia, statuto quodam tempore congregari debet. Sed quia interim imperii negotia exercenda sunt, opus est ergo ut senatorum aliqua pars eligatur quae dimisso senatu ejus vicem suppleat; cujus officium sit ipsum senatum quando eo opus est convocare, ejusque decreta de republica exsequi, epistolas senatui supremoque concilio scriptas legere, et denique de rebus in senatu proponendis consulere. Sed ut haec omnia, et universi hujus concilii ordo facilius concipiatur, rem totam accuratius describam.

34. Senatores in annum, ut jam diximus, eligendi, in quatuor aut sex ordines dividendi sunt; quorum primus primis tribus vel duobus

7. *OP electis*; *NS Enigen uit de Wetverdedigers, door d' opperste Raat verkozen*, which suggests *electi*. Of course all the syndics are elected by the supreme council (p. 380, ll. 26–27); but we are here concerned with their representatives on the senate.

14–15. *NS zal . . . de staat der zaken vertonen, en met enen aanwijzen wat het gevoelen . . . is*. It is just possible that *indicabit* or some such word has fallen out of the *OP* text after *statum*.

it is the secret aims of such governments which cause the subjects to fall beneath their load. For the prowess of kings has greater scope in war than in peace,[1] and those who wish to be sole rulers must do their utmost to keep their subjects poor.[2] I omit here the other points noted some time ago by that shrewd Dutchman V. H.,[3] because they are irrelevant to my purpose, which is merely to describe the best condition of each kind of state.

32. Some of the syndics must be appointed by the supreme council to sit on the senate, but without having the right to vote;[4] to see whether the laws relating to the senate are duly observed, and to provide for the summoning of the supreme council when something has to be referred to it from the senate. For, as I have already said, the right to summon the supreme council and to submit matters for its decision is vested in the syndics. But before the supreme council votes on such matters, the current president of the senate will explain the position of affairs, announce the decision of the senate on the matter in question, and give the reasons for it; whereupon the vote should be taken in the usual way.

33. The whole senate should not meet every day, but, like all large councils, at certain appointed times.[5] However, since the administration of the state must be carried on in the intervals, it is necessary to appoint a certain number of senators to act on behalf of the senate when it is not in session; and their duties should be to summon the full senate when need arises, to execute its decisions about state affairs, to read the letters addressed to the senate and supreme council, and, finally, to discuss what business is to be brought up in the senate.[6] But that all this, and the organization of the council as a whole, may be easier to grasp, I shall describe the whole thing more precisely.

34. The senators, who must be appointed for a year, as I have already said, should be divided up into four or six sections;[7] the first of which should preside over the senate for the first few months, three or

[1] *TP* vii, 5, p. 339; *TT-P* xviii, p. 197.

[2] Spinoza would agree with Hobbes (*De Cive* x, 2) that such conduct was not in the ruler's interest; but rulers sometimes fail to see where their own interest lies.

[3] Van Hove, *Polityke Weegschaal* 1, i, 10–34, pp. 39–136.

[4] At Venice the *Dieci* and *Avogadori* were members of the Senate ex officio (*Mémoires*, vol. i, ch. i, p. 8).

[5] The Venetian Senate met twice weekly (op. cit., ch. i, pp. 10–11), but was smaller than Spinoza's.

[6] The *Collegio* performed similar functions for the Venetian Senate (op. cit., ch. ii, pp. 49–54).

[7] These 'sections' owe something to the *prytaneis* of the ancient Athenian *boule*.

mensibus in senatu praesideat. Quibus elapsis secundus ordo locum primi occupet; et sic porro servatis vicibus unusquisque ordo eodem temporis intervallo primum locum in senatu teneat, ita ut qui primis mensibus primus, is secundis ultimus sit. Praeterea quot ordines, totidem praesides, totidemque eorundem vicarii, qui ipsorum vicem quando opus est suppleant, eligendi sunt, hoc est, ex quocunque ordine duo eligendi sunt, quorum alter praeses, alter vicarius ejusdem ordinis sit; et qui primi ordinis praeses est, primis etiam mensibus senatui praesideat, vel, si absit, ejus vicarius ipsius vicem gerat; et sic porro reliqui, servato ut supra ordine. Deinde ex primo ordine aliqui sorte vel suffragio eligendi sunt, qui cum praeside et vicario ejusdem ordinis senatus vicem, postquam dimissus est, suppleant, idque eodem temporis intervallo quo idem eorum ordo primum locum in senatu tenet: quippe eo elapso ex secundo ordine totidem iterum sorte vel suffragio eligendi sunt, qui cum suo praeside et vicario primi ordinis locum occupent, vicemque senatus suppleant; et sic porro reliqui. Nec opus est ut horum electio, quos scilicet sorte vel suffragio singulis tribus vel duobus mensibus eligendos dixi, et quos imposterum consules appellabimus, a supremo concilio fiat. Nam ratio quam in Art. 29 hujus Cap. dedimus locum hic non habet, et multo minus illa Art. 17. Sufficiet igitur si a senatu et syndicis qui praesentes sunt eligantur.

35. Horum autem numerum determinare non ita accurate possum. Attamen hoc certum est, plures esse debere quam ut facile corrumpi possint. Nam tametsi de republica nihil soli decernant, possunt tamen senatum protrahere, vel, quod pessimum esset, ipsum deludere proponendo illa quae nullius, et illa reticendo quae majoris momenti essent: ut jam taceam quod si nimis pauci essent sola unius aut alterius absentia moram publicis negotiis adferre posset. Sed quoniam contra hi consules ideo creantur quia magna concilia publicis negotiis quotidie vacare nequeunt, medium necessario hic quaerendum est, et defectus numeri temporis brevitate supplendus. Atque adeo, si modo triginta aut circiter in duos aut tres menses eligantur, plures erunt quam ut hoc brevi tempore corrumpi possint; et hac de causa etiam monui ut ii qui

1. *M praesideat*; *OP sedeat*; *NS zal zitten.*
1–2. *NS d' eerste plaats*, i.e. *locum primum.*
21. *NS die tegenwoordig zijn*; *OP qui praesentes adsunt.*
33. *NS Om deze oorzaak zal het ook dienstig zijn*, i.e. *etiam utile erit.*

two as the case may be. When this period has elapsed the second section should succeed the first; and so they should continue, each section holding the presidency of the senate in its turn for the same space of time, so that the one which holds the first place in the first period comes last in the second period. Next, for each section there must be elected a president and a vice-president to take his place when necessary, i.e. two men must be appointed from each section, one to be its president, the other its vice-president; and the president of the first section, or, failing him, his deputy, should also preside over the senate in the first period of months; being followed by the other presidents and vice-presidents, each presiding in turn as described above. Next, some senators from the first section must be appointed by lot or vote to deputize for the senate when it has adjourned, serving with the president and vice-president of their section for as long as it holds the presidency of the senate: for when its term has expired, the same number of men must again be appointed by lot or vote from the second section, so that with their president and vice-president they may succeed the first section in deputizing for the senate; and similarly with the rest. But there is no need for these men, who are, as I have said, to be appointed by lot or vote for single periods of two or three months, and whom I shall henceforth call consuls, to be appointed by the supreme council. For the reason for the latter proceeding given in Section 29 of this Chapter is here inapplicable, and that given in Section 17 is still more so. It will therefore suffice if they are appointed by the senate and the syndics who attend its meetings.

35. About their number I cannot be so precise; but they must certainly be too numerous to be corrupted easily. For although they make no decisions about state affairs on their own sole authority, they can nevertheless put off meetings of the senate, or, worst of all, mislead it by bringing up trifles for discussion and keeping back matters of greater importance: not to mention that if there were too few of them the mere absence of one or two could hold up the conduct of public business. Yet since these consuls are appointed just because large councils cannot give daily attention to public business, it is necessary to seek a compromise here, and to compensate for lack of numbers by a short term of office. Thus if thirty or so are appointed for two or three months,[1] they will be too numerous to be corrupted in that short space of time. This is why I also recommended that their successors should never be

[1] The *Collegio* of Venice consisted of twenty-six members, but some of these held office for a year, and the Doge was president for life (*Mémoires*, vol. i, ch. ii, p. 49).

in eorum locum succedunt, nullo modo eligendi sint nisi eo tempore quo ipsi succedunt et alii discedunt.

36. Horum praeterea officium esse diximus senatum quando eorum aliqui, licet pauci sint, opus esse judicaverint convocare, resque in eodem decernendas proponere, senatum dimittere, ejusque de negotiis publicis decreta exequi. Quo autem id fieri ordine debeat ne res inutilibus quaestionibus diu protrahantur, paucis jam dicam. Nempe consules de re in senatu proponenda, et quid factu opus sit consulant, et si de eo omnibus una fuerit mens, tum convocato senatu et quaestione ordine exposita quaenam eorum sit sententia doceant, nec alterius sententia exspectata suffragia ordine colligant. Sed si consules plures quam unam sententiam foverint, tum in senatu illa de quaestione proposita sententia prior dicenda erit quae a majori consulum numero defendebatur; et si eadem a majori senatus et consulum parte non fuerit probata, sed quod numerus dubitantium et negantium simul major fuerit —quod ex calculis, ut jam monuimus, constare debet—tum alteram sententiam, quae pauciora quam prior habuerit inter consules suffragia, doceant; et sic porro reliquas. Quod si nulla a majori totius senatus parte probata fuerit, senatus in sequentem diem aut in tempus breve dimittendus, ut consules interim videant num alia media quae magis possint placere queant invenire. Quod si nulla alia invenerint, vel si quae invenerint senatus major pars non probaverit, tum senatoris cujusque sententia audienda est. In quam si etiam major senatus pars non iverit, tum de unaquaque sententia iterum suffragia ferenda; et non tantum affirmantium, ut huc usque factum, sed dubitantium etiam et negantium calculi numerandi sunt. Et si plures reperientur affirmantes quam dubitantes aut negantes, ut tum sententia rata maneat; et contra irrita, si plures invenientur negantes quam dubitantes aut affirmantes. Sed si de omnibus sententiis major dubitantium quam negantium aut affirmantium fuerit numerus, ut tum syndicorum concilium senatui adjungatur, qui simul cum senatoribus suffragia ferant, calculis solummodo affirmantibus aut negantibus, omissis iis qui animum ambiguum indicant. Circa res quae ad supremum concilium a senatu deferuntur idem ordo tenendus est. Haec de senatu.

appointed until they are due to take over the duties which the others lay down.

36. Their duties, as I said, are to summon the senate whenever any of them, however few, think this to be necessary; to bring up matters for its decision; to adjourn it; and to carry out its decisions about public affairs. How all this must be done if business is not to be held up by useless discussion I shall now briefly describe. The consuls should deliberate on the matter to be brought up in the senate, and consider what course should be taken. They should then summon the senate, duly explain the matter to be decided, and, if unanimous, announce their own view, putting it to the vote in the regular way without waiting to hear any other. But if they are divided in opinion, the view held by the majority of them must be put to the senate first; and if this is not ratified by a majority of the senate and consuls, the total of indecisive and negative votes—discovered by secret ballot, as I have already advised—outnumbering the affirmative, they should then put forward the second view, which got less votes among them than the first; and, if necessary, proceed to the others in the same way. But if none of these views is ratified by a majority of the whole senate, it must be adjourned until the following day, or for a short period, to give the consuls time to see if they can discover other measures more acceptable. If they can find no others, or if those which they do find are not ratified by a majority of the senate, suggestions should be invited from any senator.[1] But if these too fail to win a majority, a second vote must be taken on each view; and the indecisive and negative votes counted separately, not only the affirmative, as hitherto. If there are more affirmative than either indecisive or negative votes the opinion should be taken as carried; while if there are more negative than either indecisive or affirmative votes it should be regarded as null and void. But if in every case there are more indecisive than either negative or affirmative votes, the council of syndics should meet in joint session with the senate, and vote with the senators in a straight ballot for or against, the counters which indicate indecision being discarded. In referring matters from the senate to the supreme council the same procedure must be followed. So much for the senate.

[1] So far the procedure is similar to that of the Venetian Senate as described by Van Hove (op. cit. II, iv, 5, pp. 329–30). But in Venice the various proposals were voted upon simultaneously, and when none of them received more than half the votes the one which had fewest was eliminated, and another vote taken on the remainder. If a continuation of this process did not produce an absolute majority in favour of any proposal, the *Collegio* had to deliberate afresh, and any senator was allowed to submit a new proposal.

37. Ad forum quod attinet sive tribunal, non potest iisdem fundamentis niti quibus illud quod sub monarcha est, ut illud in Cap. 6 Art. 26 et seq. descripsimus. Nam (per Art. 14 hujus Cap.) cum fundamentis hujus imperii non convenit ut ulla ratio stirpium sive familiarum habeatur. Deinde quia judices ex solis patriciis electi metu quidem succedentium patriciorum contineri possent ne in eorum aliquem iniquam aliquam sententiam pronuncient, et forte ut neque eos secundum merita punire sustineant; sed contra in plebeios omnia auderent, et locupletes quotidie in praedam raperent. Scio hac de causa Genuensium consilium a multis probari, quod scilicet non ex patriciis sed ex peregrinis judices eligant; sed hoc mihi rem abstracte consideranti absurde institutum videtur, ut peregrini et non patricii ad leges interpretandas vocentur. Nam quid aliud judices sunt nisi legum interpretes? Quare mihi persuadeo Genuenses in hoc etiam negotio magis suae gentis ingenium quam ipsam hujus imperii naturam respexisse. Nobis igitur rem abstracte considerantibus media excogitanda sunt quae cum hujus regiminis forma optime conveniunt.

38. Sed ad judicum numerum quod attinet, nullum singularem hujus status ratio exigit; sed ut in imperio monarchico ita etiam in hoc apprime observari debet ut plures sint quam ut a viro privato corrumpi possint. Nam eorum officium solummodo est providere ne quisquam privatus alteri injuriam faciat, atque adeo quaestiones inter privatos tam patricios quam plebeios dirimere, et poenas delinquentibus, etiam ex patriciis, syndicis, et senatoribus, quatenus contra jura quibus omnes tenentur deliquerunt, sumere. Caeterum quaestiones quae inter urbes quae sub imperio sunt moveri possunt in supremo concilio dirimendae sunt.

39. Temporis praeterea in quod eligendi sunt ratio est eadem in quocunque imperio, et etiam ut quotannis aliqua eorum pars cedat; et denique, quamvis non opus sit ut unusquisque ex diversa sit familia, necesse tamen est ne duo sanguine propinqui simul in subselliis locum occupent. Quod in reliquis conciliis observandum est, praeterquam in supremo, in quo sufficit si modo in electionibus lege cautum sit ne cuiquam propinquum nominare, nec de eo si ab alio nominatus sit suffragium ferre liceat, et praeterea ne ad imperii ministrum quemcunque

5. *OP Deinde quia judices*; *NS Wijders, de Rechters*, which may point to *Deinde, judices.*
15. *NS dan het volk op de natuur van deze Heerschappy*, wrongly referring *ipsam* to *gentis.*

37. As for the court of justice, it cannot rest on the same basis as the one in a monarchy (described in Chapter 6, Sections 26 and ff.). For to take any account of tribes or families is contrary to the fundamental laws of this kind of state (by Section 14 of this Chapter). Moreover, if the judges were appointed exclusively from patrician families they would doubtless be restrained by fear of their patrician successors from pronouncing an unjust verdict against a member of their own class, and perhaps even from punishing him as he deserved, but they might persecute the commons with unbounded audacity and continually prey upon rich plebeians. This, I know, is the reason why the Genoese policy of appointing judges from the resident aliens and not from the patricians is widely approved;[1] but considered in the abstract it seems to me an absurd arrangement for resident aliens and not patricians to be called upon to interpret the laws. For what *are* judges but interpreters of the laws? Thus I think that here again the Genoese have been guided by the bent of their race rather than by the actual nature of this kind of state. We must therefore consider the matter in the abstract if we are to discover the measures best suited to this form of government.

38. The size of the court, however, cannot be determined in this way, since the principles of this state do not require any particular number of judges; the main thing, as in monarchy, is to make sure that they are too numerous to be corrupted by a private individual. For their duty is simply to see that no private individual does wrong to another, so they have only to settle disputes between private individuals, patricians as well as plebeians, and to punish offenders, including patricians, syndics, and senators, if they transgress the laws which are binding on all. The disputes which may arise between subject cities must be settled in the supreme council.

39. Furthermore, the length of their appointment is based on a principle which is the same in every state, and so is the regulation that a certain proportion of them should retire every year. Finally, although there is no need for each judge to come from a different tribe, it *is* necessary that no two kinsmen should sit on the bench at the same time. The only assembly in which this rule should not be observed is the supreme council, where it is enough if there is a law to prevent anyone from nominating a kinsman at elections, or from voting on him if he is nominated by another, and also to debar two kinsmen from drawing

[1] Van Hove, op. cit. II, v, 8, pp. 363–4.

nominandum duo propinqui sortem ex urna tollant. Hoc, inquam, sufficit in concilio quod ex tam magno hominum numero componitur, et cui nulla singularia emolumenta decernuntur. Atque adeo imperio inde nihil erit detrimenti, ut absurdum sit legem ferre qua omnium patriciorum propinqui a supremo concilio secludantur, ut Art. 14 hujus Cap. diximus. Quod autem id absurdum sit, patet. Nam jus illud ab ipsis patriciis institui non posset quin eo ipso omnes absolute suo jure eatenus cederent, ac proinde ejusdem juris vindices non ipsi patricii sed plebs esset; quod iis directe repugnat quae in Art. 5 et 6 hujus Cap. ostendimus. Lex autem illa imperii, qua statuitur ut una eademque ratio inter numerum patriciorum et multitudinis servetur, id maxime respicit ut patriciorum jus et potentia conservetur, ne scilicet pauciores sint quam ut multitudinem possint regere.

40. Caeterum judices a supremo concilio ex ipsis patriciis, hoc est (per Art. 17 hujus Cap.) ex ipsis legum conditoribus eligendi sunt, et sententiae quas tulerunt tam de rebus civilibus quam criminalibus ratae erunt si servato ordine et absque partium studio prolatae fuerint; de qua re syndicis lege permissum erit cognoscere, judicare, et statuere.

41. Judicum emolumenta eadem esse debent quae Art. 29 Cap. 6 diximus; nempe ut ex unaquaque sententia quam de rebus civilibus tulerint, ab eo qui causa cecidit pro ratione totius summae partem aliquotam accipiant. At circa sententias de rebus criminalibus haec sola hic differentia sit, ut bona ab ipsis proscripta, et quaecunque summa qua minora crimina mulctantur, ipsis solis designetur; ea tamen conditione, ut nunquam iis liceat quenquam tormentis cogere quippiam confiteri. Et hoc modo satis cautum erit ne iniqui in plebeios sint, et ne metus causa nimium patriciis faveant. Nam praeterquam quod hic metus sola avaritia, eaque specioso justitiae nomine adumbrata, temperetur, accedit quod plures sint numero, et quod suffragia non palam sed calculis ferantur; ita ut si quis ob damnatam suam causam stomachetur, nihil tamen habeat quod uni imputare possit. Porro ne iniquam, aut

lots from the urn for the duty of nominating any minister of state.[1] No more, I say, is needed in a council which is composed of such a large number of men, and whose members are assigned no remuneration as such. Thus the state will suffer no harm from this arrangement, and so it is absurd, as I said in Section 14 of this Chapter, to pass a law excluding all kinsmen of patricians from the supreme council. In any case it is obvious that this would be absurd. For since the patricians could not establish such a law themselves without completely surrendering so much of their own right in the process, the upholders of the said law would not be the patricians but the commons; which directly contradicts my conclusions in Sections 5 and 6 of this Chapter. This is not true of the law providing that one and the same ratio shall always be maintained between the patricians and the commons, for the main object of that is to preserve the right and power of the patricians by ensuring that they are not too few to be able to govern the commons.

40. But the nature of aristocracy does require that the judges should be chosen by the supreme council from the patricians, i.e. (by Section 17 of this Chapter) from the actual law-makers. The verdicts of these judges will be binding in both civil and criminal cases if given without partiality and with due regard to procedure. To hear evidence, decide, and pronounce judgement upon the last point will be legally the prerogative of the syndics.[2]

41. The remuneration of the judges should be the same as is laid down in Section 29, Chapter 6; that is, as a fee for every verdict given in civil suits they should receive from the man who has lost his case a certain proportion of the whole sum involved. As for verdicts given in criminal cases, the only difference here should be this, that goods which they have confiscated, and all fines exacted for minor offences, should be assigned to them alone; but on the same condition as in monarchy, that they are never allowed to use torture to make anyone confess anything. These measures will be sufficient to prevent them from being unjust to the commons and from being led by fear to show too much favour to the patricians. For avarice alone, especially when camouflaged by the fair name of justice, is sufficient to check this fear; in addition, they are numerous, and do not vote openly but by secret ballot, so that if anyone takes offence at the loss of his case, he has no reason to blame any particular judge. Besides, their respect for the syndics will ensure

[1] Similar regulations were enforced at elections in the Grand Council of Venice (Van Hove, op. cit. II, iv, 2, pp. 319–20).

[2] Judges in Venice were appointed by the Grand Council (*Mémoires*, vol. i, ch. iii, p. 56), and their verdicts were subject to review by the *Avogadori* (loc. cit., p. 64).

saltem ne absurdam aliquam sententiam pronuncient, et ne eorum quispiam dolo quicquam faciat, syndicorum reverentia prohibebit; praeterquam quod in tam magno judicum numero unus semper aut alter reperietur quem iniqui formident. Ad plebeios denique quod attinet, satis iis etiam cavebitur si ad syndicos iisdem appellare liceat, quibus, uti dixi, jure permissum sit de judicum rebus cognoscere, judicare, et statuere. Nam certum est quod syndici multorum patriciorum odium vitare non poterunt, et plebi contra gratissimi semper erunt, cujus applausum quantum ipsi etiam poterunt captare studebunt. Quem in finem data occasione non omittent sententias contra leges fori prolatas revocare, et quemcunque judicem examinare, et poenas ex iniquis sumere; nihil enim hoc magis multitudinis animos movet. Nec obstat quod similia exempla raro contingere possint; sed contra maxime prodest. Nam praeterquam quod illa civitas prave constituta sit ubi quotidie exempla in delinquentes eduntur (ut Cap. 5 Art. 2 ostendimus), illa profecto rarissima esse debent fama quae maxime celebrantur.

42. Qui in urbes vel provincias proconsules mittuntur ex ordine senatorio eligendi essent, quia senatorum officium est de urbium munimentis, aerario, militia, etc. curam habere. Sed qui in regiones aliquantulum remotas mitterentur senatum frequentare non possent, et hac de causa ii tantummodo ex ipso senatu vocandi sunt qui urbibus in patrio solo conditis destinantur; at quos ad magis remota loca mittere volunt ex iis eligendi sunt quorum aetas a senatorio gradu non abest. Sed neque hac ratione paci totius imperii satis cautum fore existimo, si nimirum urbes circumvicinae jure suffragii omnino prohibeantur, nisi adeo impotentes omnes sint ut palam contemni possint; quod sane concipi nequit. Atque adeo necesse est ut urbes circumvicinae jure civitatis donentur, et ex unaquaque viginti, triginta, aut quadraginta (nam numerus pro magnitudine urbis major aut minor esse debet) cives electi in numerum patriciorum adscribantur; ex quibus tres, quatuor, aut quinque quotannis eligi debent qui ex senatu sint, et unus ad vitam syndicus. Atque hi qui ex senatu sunt proconsules in urbem ex qua electi sunt mittantur una cum syndico.

43. Caeterum judices in unaquaque urbe constituendi ex patriciis

4. *NS die de gerechtigheit bemint, en voor de welk zy ontsach zullen hebben*; literally, *qui justitiam amet et quem formident.*

17–18. *NS zullen uit de Staat der Staatsraden* (glossed *Senatores*) *moeten wezen.*

23. *OP non abest*; *NS niet . . . verschilt*; *M non multum abest.*

that they do not pronounce any unjust, or at any rate any ridiculous verdicts, and that none of them does anything underhand; not to mention that out of such a large number of judges there will always be found one or two men to inspire the unjust with fear. Finally, the common people too will be sufficiently protected if they are allowed to appeal to the syndics,[1] who, as I have said, should be permitted by law to hear evidence, decide, and pronounce judgement on the proceedings of the judges. For there is no doubt that while the syndics will be unable to avoid the hatred of many patricians, they will always be very popular with the common people, and will do everything they possibly can to win its applause. Thus they will not fail, when occasion offers, to nullify verdicts which violate the rules of the court, to inquire into the conduct of judges, and to punish those who are unjust; for nothing impresses the people more. That such examples can seldom be made is no drawback, but a great advantage. For if examples are to be widely reported and acclaimed they must of course be very rare; and in any case a commonwealth where examples are continually being made of offenders is badly organized (as I said in Chapter 5, Section 2).

42. It would appear that governors of cities or districts should be drawn from the ranks of the senators, since the senate has to supervise the defence of the cities, the treasury, the armed forces, and so on. But in that case governors of territories some distance away would be unable to attend the senate regularly. Hence only those appointed to cities in the fatherland should be drawn from the senate itself; those whom they wish to send to places more remote should be drawn from men of senatorial age. Yet even this measure, I think, will be insufficient to safeguard the peace of the whole state if the adjacent cities are entirely excluded from the right to vote; unless they are all so weak that they can be openly disregarded, which is quite inconceivable. Hence it is necessary that the adjacent cities should be granted political rights, twenty, thirty, or forty men from each—for the number must vary with the size of the city—being made citizens and added to the roll of patricians. Of these, three, four, or five must be appointed every year to serve on the senate, and one made a syndic for life. And those who are senators should be sent with the syndic as governors of the city from which they have been chosen.

43. The judges to be appointed in each city should also be chosen

[1] In their role of defenders of the commons Spinoza's syndics resemble the *tribuni plebis* of ancient Rome; but their powers are greater (*TP* x, 3, p. 433).

ejusdem urbis eligendi sunt. Sed de his non necesse judico prolixius agere, quia ad singularis hujus imperii fundamenta non pertinent.

44. Qui in quocunque concilio a secretis sunt, et alii ejusmodi ministri, quia suffragii jus non habent, eligendi sunt ex plebe. Sed quia hi diuturna negotiorum tractatione maximam rerum agendarum notitiam habent, fit saepe ut eorum consilio plus quam par est deferatur, et ut status totius imperii ab eorum directione maxime pendeat; quae res Hollandis exitio fuit. Nam id sine magna multorum optimorum invidia fieri nequit. Et sane dubitare non possumus quin senatus cujus prudentia non a senatorum sed ab administrorum consilio derivatur maxime ab inertibus frequentetur; et hujus imperii conditio non multo melior erit quam imperii monarchici quod pauci regis consiliarii regunt, de quo vide Cap. 6 Art. 5, 6, et 7. Verumenimvero imperium prout recte vel prave institutum fuerit, eo minus aut magis erit huic malo obnoxium. Nam imperii libertas quae non satis firma habet fundamenta nunquam sine periculo defenditur; quod patricii ne subeant, ministros gloriae cupidos ex plebe eligunt, qui postea vertentibus rebus veluti hostiae caeduntur ad placandam eorum iram qui libertati insidiantur. At ubi libertatis fundamenta satis firma sunt, ibi patricii ipsi ejusdem tutandae gloriam sibi expetunt, studentque ut rerum agendarum prudentia ab eorum tantummodo consilio derivetur. Quae duo in jaciendis hujus imperii fundamentis apprime observavimus, nempe ut plebs tam a consiliis quam a suffragiis ferendis arceretur (vid. Art. 3 et 4 hujus Cap.), atque adeo ut suprema imperii potestas penes omnes patricios, auctoritas autem penes syndicos et senatum, et jus denique senatum convocandi, resque ad communem salutem pertinentes proponendi, disserendi, et tractandi, penes consules ex ipso senatu electos esset. Quod si praeterea statuatur ut qui a secretis in senatu vel in aliis

26–28. *NS en van de zaken, . . . behorende, daar in voor te stellen, en daar af te spreken en te handelen by de Hoofden van de Staatsraat . . . zou wezen*; *Gf resque . . . pertinentes proponendi penes consules . . . esset*; *OP resque . . . pertinentes penes consules . . . esset.*

from the local patricians. But since these arrangements are not peculiar to this particular state it seems unnecessary to discuss them more fully.

44. Since they do not possess the right to vote, secretaries and similar officials in the various councils should be chosen from the common people. But because long experience in transacting business gives such men a very thorough knowledge of affairs, it often happens that undue weight is attached to their advice, and that the condition of the entire state largely depends on their guidance;[1] a situation which was the ruin of Holland.[2] For this is bound to arouse a great deal of jealousy in many of the nobles. And in truth we cannot doubt that if a senate derives its wisdom from the advice of its officials there is little energy among its members; in which case the condition of the state will be little better than that of a monarchy ruled by a few counsellors of the king; for which see Chapter 6, Sections 5, 6, and 7. But it is really the goodness or badness of a state's constitution which determines the degree to which it will be subject to this malady. For when public liberty is based on insecure foundations it is never defended without risk; and to avoid running this risk the patricians choose as officials ambitious commoners, who, when revolution eventually comes, are slaughtered like sacrificial animals to appease the anger of the enemies of freedom.[3] But where the foundations of freedom are sufficiently secure, the patricians claim for themselves the glory of preserving it, and try to see that wisdom in the conduct of affairs is due to their advice alone. Now the two main rules which I have followed in laying the foundations of this state are these: that the common people should be debarred both from giving advice and from voting (see Sections 3 and 4 of this Chapter); and hence that sovereignty should be held by the whole body of patricians, authority by the syndics and senators, and, finally, the right to summon the senate, and to bring up, explain, and handle matters concerning the general welfare, by consuls chosen from the senate itself. If we now add that the secretary of the senate or of any other council

[1] As the sequel shows, Spinoza is thinking primarily of Oldenbarneveldt and De Witt. It is strange to find such men classed as commoners; yet they did not belong to the old nobility (Motley, *The United Netherlands*, vol. ii, ch. xii, p. 119), and although certainly members of the bourgeois aristocracy, were also, in theory at least, its servants. Both started their political careers as town pensionaries, who, like our town clerks, were legal advisers to their town councils, but had no right to vote at their meetings; and even when they attained the position of pensionary of Holland they were still in theory merely the servants of the province, and inferior in status to the deputies (Temple, *Observations*, ch. ii, p. 64).

[2] In 1672.

[3] Oldenbarneveldt was executed by the stadtholder Maurice in 1619, De Witt was murdered at the Hague in 1672 by supporters of the Orangist cause.

conciliis est, in quatuor aut quinque ad summum annos eligatur, atque ei secundus, qui a secretis in idem tempus designatus sit, adjungatur, qui interim laboris partem ferat, vel si in senatu non unus sed plures a secretis sint, quorum alius his, alius aliis negotiis detinetur, nunquam fiet ut administrorum potentia alicujus sit momenti.

45. Aerarii tribuni ex plebe etiam eligendi sunt, qui ejus rationem non tantum senatui sed etiam syndicis reddere teneantur.

46. Ad religionem quae spectant satis prolixe ostendimus in Tract. Theologico-Politico. Quaedam tamen tum omisimus de quibus ibi non erat agendi locus; nempe quod omnes patricii ejusdem religionis, simplicissimae scilicet et maxime catholicae, qualem in eodem tractatu descripsimus, esse debeant. Nam apprime cavendum est ne ipsi patricii in sectas dividantur, et ne alii his, alii aliis plus faveant, et deinde ne superstitione capti libertatem subditis dicendi ea quae sentiunt adimere studeant. Deinde quamvis unicuique libertas dicendi ea quae sentit danda est, magni tamen conventus prohibendi sunt: atque adeo iis qui alii religioni addicti sunt concedendum quidem est tot quot velint templa aedificare, sed parva, et certae cujusdam mensurae, et in locis aliquantulum ab invicem dissitis. At templa quae patriae religioni dicantur multum refert ut magna et sumptuosa sint, et ut praecipuo ipsius cultui solis patriciis vel senatoribus manus admovere liceat; atque adeo ut solis patriciis liceat baptizare, matrimonium consecrare, manus imponere, et absolute ut templorum veluti sacerdotes, patriaeque religionis vindices et interpretes agnoscantur. Ad concionandum autem, et ecclesiae aerario ejusque quotidianis negotiis administrandis aliqui ex plebe ab ipso senatu eligendi sunt, qui senatus quasi vicarii sint; cui propterea rationem omnium reddere teneantur.

47. Atque haec illa sunt quae hujus imperii fundamenta spectant; quibus pauca alia, minus quidem principalia sed magni tamen momenti, addam: nempe ut patricii veste quadam seu habitu singulari quo dignoscantur incedant, et ut singulari quodam titulo salutentur, et

4. *NS geschikt word.* As *schikken* is the regular rendering of *destinare*, the correct reading may be *destinetur* or *destinatur*.

10–11. *P simplicissimae*; *OP sumplicissimae.*

should be appointed for four or five years at the most, and given an assistant, appointed for the same period, to take part of the work off his shoulders, or that several secretaries to the senate should be appointed instead of one, and each kept occupied with different business, the power of officials will never be of any consequence.

45. Treasury officials should also be chosen from the common people, and should be accountable to the syndics as well as to the senate for their administration.

46. My views on religion have been fully expounded in the Tractatus Theologico-Politicus, and it only remains to add one or two points which were beyond the scope of that work. The first is that all the patricians should be of the same faith, the very simple universal faith set out in the treatise referred to.[1] For it is vitally important to prevent the patricians in particular not only from splitting up into sects and favouring different religious groups, but also from becoming a prey to superstition and seeking to deprive their subjects of the freedom to voice their beliefs. Secondly, although everyone should be given freedom to voice his beliefs, large congregations should be forbidden; and so, while dissenters should be allowed to build as many churches as they wish, these churches must be small, of fixed dimensions, and situated some distance apart.[2] On the other hand it is most important that churches dedicated to the state religion should be large and magnificent, and that only patricians or senators should be permitted to perform its principal rites. Thus only patricians should be allowed to baptize, to solemnize marriages, and to lay on hands; in short, they alone should be recognized as the ministers of churches, and as the guardians and interpreters of the state religion. But preachers and officials to deal with the treasury and everyday business of the church may be drawn from the common people. These should be appointed by the senate itself, to act, so to speak, as its deputies, and should therefore be responsible to it for all that they do.

47. Such then are the measures which form the basis of this kind of state; and to them I shall add a few others, no doubt less fundamental, but still of great importance. For instance, the patricians should go about in a special form of clothing or dress to distinguish them from the rest; they should be greeted by a special title; all commoners should

[1] *TT-P* xiv, pp. 119–21.

[2] Religious toleration was practised both in Venice (Hazlitt, *The Venetian Republic*, vol. ii, ch. 45, p. 397), and the Netherlands (Temple, *Observations*, ch. v, pp. 122 and ff.; cf. *TT-P* xx, p. 227, n. 1).

unusquisque ex plebe iis loco cedat; et si aliquis patricius bona sua aliquo infortunio quod vitari nequit amiserit, idque liquido docere poterit, ut in integrum ex publicis bonis restituatur. Sed si contra constet eundem largitate, fastu, ludo, scortis, etc. eadem consumpsisse, vel quod absolute plus debet quam est solvendo, ut dignitate cedat, et omni honore officioque indignus habeatur. Qui enim seipsum resque suas privatas regere nequit, multo minus publicis consulere poterit.

48. Quos lex jurare cogit a perjurio multo magis cavebunt si per salutem patriae et libertatem, perque supremum concilium, quam si per Deum jurare jubeantur. Nam qui per Deum jurat privatum bonum interponit cujus ille aestimator est: at qui jurejurando libertatem patriaeque salutem interponit, is per commune omnium bonum cujus ille aestimator non est jurat, et, si pejerat, eo ipso se patriae hostem declarat.

49. Academiae quae sumptibus reipublicae fundantur non tam ad ingenia colenda quam ad eadem coercenda instituuntur. Sed in libera republica tum scientiae et artes optime excolentur, si unicuique veniam petenti concedatur publice docere, idque suis sumptibus suaeque famae periculo. Sed haec et similia ad alium locum reservo: nam hic de iis solummodo agere constitueram quae ad solum imperium aristocraticum pertinent.

11. *NS van 't welk hy zelf de schatter is*, i.e. *cujus ipse aestimator est.*

13–14. *NS zo verklaart hy zich daar door vijant van 't Vaderlant.* Hence *G eo ipso. OP eo ipse.*

give way to them; and any patrician who has lost his possessions by some unavoidable mischance, and can prove this conclusively, should be compensated in full out of public funds.[1] But if it is shown that he has wasted his money through extravagance, luxury, gambling, debauchery, and so on, or that he is hopelessly in debt, he should be deprived of his status and regarded as unworthy of any office or appointment. For a man who cannot manage himself and his own private concerns will be much less able to advise on public affairs.

48. Those whom the law compels to take an oath will be much more careful to avoid perjury if they are told to swear by the safety and freedom of their country, and by its supreme council, than if they are told to swear by God. For he who swears by God stakes a private good, whose value is determined by *him*;[2] but he who stakes in his oath the freedom and safety of his country swears by the common good of all, whose value is not determined by him; and, if he swears falsely, thereby declares himself an enemy of his country.

49. Seats of learning founded at the public expense are established to fetter talent rather than to foster it: in a free republic the arts and sciences will flourish best when everyone who asks permission is allowed to teach openly, at his own expense, and at the risk of his own reputation.[3] But such topics I shall keep for another occasion, for my intention here was to confine myself to matters concerning aristocracy alone.

[1] Spinoza wishes to avoid the great inequalities of wealth which existed among the Venetian nobility, and made the poor nobles dependent upon the rich (*Mémoires*, vol. i, ch. x, pp. 183–4).

[2] And he may not believe in the God by whom he is required to swear (Hobbes, *De Cive* ii, 21).

[3] *TT-P* xx, p. 235.

## CAPUT IX

1. Huc usque hoc imperium consideravimus quatenus ab una sola urbe, quae totius imperii caput est, nomen habet. Tempus jam est ut de eo agamus quod plures urbes tenent, quodque ego praecedenti praeferendum existimo. Sed ut utriusque differentiam et praestantiam noscamus, singula praecedentis imperii fundamenta perlustrabimus, et quae ab hoc aliena sunt rejiciemus, et alia quibus niti debeat eorum loco jaciemus.

2. Urbes itaque quae civitatis jure gaudent ita conditae et munitae esse debent ut unaquaeque sola sine reliquis subsistere quidem non possit, sed contra etiam ut a reliquis deficere nequeat absque magno totius imperii detrimento; hoc enim modo semper unitae manebunt. At quae ita constitutae sunt ut nec se conservare nec reliquis formidini esse queant, eae sane non sui sed reliquarum juris absolute sunt.

3. Quae autem Art. 9 et 10 praec. Cap. ostendimus ex communi imperii aristocratici natura deducuntur, ut et ratio numeri patriciorum ad numerum multitudinis, et qualis eorum aetas et conditio esse debeat qui patricii sunt creandi; ita ut nulla circa haec oriri possit differentia sive imperium una sive plures urbes teneant. At supremi concilii alia hic debet esse ratio. Nam si quae imperii urbs supremo huic concilio congregando destinaretur, illa revera ipsius imperii caput esset; atque adeo vel vices servandae essent, vel talis locus huic concilio esset designandus qui civitatis jus non habeat, quique ad omnes aeque pertineat. Sed tam hoc quam illud, ut dictu facile, ita factu difficile est, ut scilicet tot hominum millia extra urbes saepe ire, vel ut jam hoc, jam alio in loco convenire debeant.

3. *NS die in meer Steden bestaat*, i.e. *tenet* or *continet*.

9–10. *NS dat yder alleen niet alleenlijk zonder d' anderen kan bestaan*, which would be a literal rendering of *ut unaquaeque sola non solum sine reliquis subsistere possit*.

18. *NS 't zy dat deze Heerschappy een enige, of meer steden onder zich heeft*, i.e. *sive impertum unam sive plures urbes teneat*.

# CHAPTER IX

1. So far I have been considering an aristocracy which takes its name from one city, the capital of the whole state. Now it is time to deal with the kind where sovereignty is vested in several cities;[1] and this I regard as superior to the former. To discover where the difference and the superiority lie, I shall survey the fundamental laws of the former one by one, rejecting those which are alien to the present type, and laying down others in their place to form the basis it requires.

2. The cities which enjoy political rights must be founded and fortified in such a way that while none of them is strong enough to maintain itself alone without the help of the rest, none is so weak that its secession would do little damage to the state as a whole; for under these conditions they will always remain united. But cities which can neither preserve themselves nor imperil the others are certainly not possessed of their own right, but are completely subject to the control of the rest.

3. Now the regulations explained in Sections 9 and 10 of the previous Chapter, like the law maintaining the ratio of patricians to commons, and the law prescribing the age and status of candidates for the patriciate, are all derived from the general nature of aristocracy; so that as far as these points are concerned it can make no difference whether the sovereignty is vested in one city or in several. But in the case of the supreme council there must be a difference in this second type. For if any city in the state were appointed as the meeting-place of this council, that city would really be the capital of the state; and to avoid this it would be necessary either to follow a system of rotation, or else to appoint for meetings of this council a place which did not possess political rights and belonged equally to all.[2] But both these suggestions are as difficult to follow as they are easy to make, for it is impracticable to require so many thousands of men to leave their cities so often, or to meet at different places in turn.[3]

[1] For this type of aristocracy Spinoza's chief model is the province of Holland (*TP* viii, 3, p. 369, and ix, 14, p. 427); but several features are taken from the Dutch Republic as a whole.

[2] Originally the Estates of Holland, like the States General, met in different places at different times; but about 1593 the Hague, which lacked political rights, became the meeting-place of both bodies (de la Bassecour Caan, *Schets van den Regeringsvorm van Nederland*, pp. 119 and 142).

[3] In the Netherlands this difficulty was overcome by a system of representation: the provinces sent deputies to the States General as the towns sent deputies to the Provincial Estates (Temple, *Observations*, ch. ii, pp. 67–69).

4. Verum ut recte quid in hac re fieri oporteat, et qua ratione hujus imperii concilia instituenda sint, ex ipsius natura et conditione concludere possimus, haec consideranda sunt: nempe quod unaquaeque urbs tanto plus juris quam vir privatus habeat quanto viro privato potentior est (per Art. 4 Cap. 2); et consequenter unaquaeque hujus imperii urbs (vide Art. 2 hujus Cap.) tantum juris intra moenia seu suae jurisdictionis limites habeat quantum potest. Deinde quod omnes urbes non ut confoederatae, sed ut unum imperium constituentes invicem sociatae et unitae sint, sed ita ut unaquaeque urbs tanto plus juris in imperium quam reliquae obtineat quanto reliquis est potentior; nam qui inter inaequales aequalitatem quaerit, absurdum quid quaerit. Cives quidem aequales merito aestimantur, quia uniuscujusque potentia cum potentia totius imperii comparata nullius est considerationis. At urbis cujuscunque potentia magnam partem potentiae ipsius imperii constituit, et eo majorem quo ipsa urbs major est; ac proinde omnes urbes aequales haberi nequeunt, sed ut uniuscujusque potentia, ita etiam ejusdem jus ex ipsius magnitudine aestimari debet. Vincula vero, quibus adstringi debent ut unum imperium componant, apprime sunt (per Art. 1 Cap. 4) senatus et forum. Quomodo autem eae omnes his vinculis ita copulandae sunt ut earum tamen unaquaeque sui juris, quantum fieri potest, maneat, breviter hic ostendam.

5. Nempe uniuscujusque urbis patricios, qui pro magnitudine urbis (per Art. 3 hujus Cap.) plures aut pauciores esse debent, summum in suam urbem jus habere concipio, eosque in concilio quod illius urbis supremum est summam habere potestatem urbem muniendi, ejusque moenia dilatandi, vectigalia imponendi, leges condendi et abrogandi, et omnia absolute agendi quae ad suae urbis conservationem et incrementum necessaria esse judicant. Ad communia autem imperii negotia tractanda senatus creandus est iis omnino conditionibus quas in praeced. Cap. diximus; ita ut inter hunc senatum et illum nulla alia sit differentia quam quod hic authoritatem etiam habeat dirimendi quaestiones

9. *NS in de Heerschappy*, which suggests *in imperio*. Cf. the parallel passage on p. 418, ll. 21–22. But cf. also ll. 23–24 below.

18–19. *NS zijn voornamelijk de Staatsraat, en de Rechtbank*, omitting the reference.

23–24. *NS in hun stat*, which suggests *in sua urbe*.

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arising between the provinces. It was better fitted to perform this function than the States General, for while the deputies to the latter were bound to push the interests of their respective provinces the members of the Council of State took an oath to promote the good of the whole Republic (de la Bassecour Caan, op. cit., p. 170).

4. To discover the correct solution of this problem, and the right way to organize the councils of this kind of state, we must start from its nature and constitution and consider the following points. First, since the right of a city over a private individual is measured by its power over him (by Section 4, Chapter 2), each city in this state has as much right within its walls or the limits of its jurisdiction as it has power (see Section 2 of this Chapter). Secondly, all the cities are joined and bound together, not as allied states, but as constituent parts of one state; yet in such a way that one has more right in the government than the rest in proportion as it exceeds them in power; for to demand equality between unequals is to demand the absurd.[1] Citizens no doubt are rightly regarded as equal, since the power of an individual citizen is of no consequence when compared with the power of the state as a whole. But the power of a city constitutes a great part of the power of the state itself, and the larger the city, the greater its contribution to the power of the state; hence the cities cannot all be regarded as equal, but the right of each, like its power, must be determined by its size. The ties by which they must be bound together so as to form a single state are mainly the senate and the law-court[2] (see Section 1, Chapter 4). How they are all to be united by these ties so that each still remains in possession of its own right as far as possible, I shall now briefly explain.

5. I assume, then, that the patricians of each city, who (by Section 3 of this Chapter) are to be more or less numerous in proportion to the city's size, have supreme authority over their own city, and that as the supreme council of that city they have full power to fortify it,[3] to extend its boundaries, to impose taxes, to pass and repeal laws, in short, to do everything they think necessary for the preservation and growth of their city.[4] To handle the common concerns of the state, however, it is necessary to create a senate on precisely the same lines as I laid down in the previous Chapter; so that the sole difference between this senate and the former is that this has also authority to settle any disputes which may arise between the cities.[5]

[1] Each town represented in the Estates of Holland, and each province represented in the States General, had one vote only. Thus the tiny town of Purmerend had 'an equal voice' with Amsterdam, and the small province Overijssel 'an equal voice' with Holland (Temple, loc. cit., p. 63). See *TP* vi, 25, p. 329, n. 1.

[2] There were provincial courts in the Netherlands, but no supreme court for the country as a whole.

[3] See Bynkershoek, *Quaestiones Juris Publici*, Book II, ch. xiv.

[4] For the powers of the towns of Holland see Temple, op. cit., ch. ii, pp. 56 and ff.

[5] In 1588 the Council of State of the Netherlands was given the power to settle disputes

[*footnotes contd. opposite*

quae inter urbes oriri possunt. Nam hoc in hoc imperio, cujus nulla urbs caput est, non potest, ut in illo, a supremo concilio fieri. Vide Art. 38 praec. Cap.

6. Caeterum in hoc imperio supremum concilium convocandum non est nisi opus sit ipsum imperium reformare, vel in arduo aliquo negotio ad quod peragendum senatores se impares esse credent; atque adeo raro admodum fiet ut omnes patricii in concilium vocentur. Nam praecipuum supremi concilii officium esse diximus (Art. 17 praec. Cap.) leges condere et abrogare, et deinde imperii ministros eligere. At leges sive communia totius imperii jura, simulatque instituta sunt, immutari non debent. Quod si tamen tempus et occasio ferat ut novum aliquod jus instituendum sit, aut jam statutum mutandum, potest prius de eodem quaestio in senatu haberi; et postquam senatus in eo convenerit, tum deinde legati ad urbes ab ipso senatu mittantur, qui uniuscujusque urbis patricios senatus sententiam doceant; et si denique major urbium pars in sententiam senatus iverit, ut tum ipsa rata maneat, alias irrita. Atque hic idem ordo in eligendis ducibus exercitus, et legatis in alia regna mittendis, ut et circa decreta de bello inferendo et pacis conditionibus acceptandis teneri potest. Sed in reliquis imperii ministris eligendis, quia (ut in Art. 4 hujus Cap. ostendimus) unaquaeque urbs, quantum fieri potest, sui juris manere debet, et in imperio tanto plus juris obtinere quanto reliquis est potentior, hic ordo necessario servandus est. Nempe senatores a patriciis uniuscujusque urbis eligendi sunt; videlicet unius urbis patricii in suo concilio certum senatorum numerum ex suis civibus collegis eligent, qui ad numerum patriciorum ejusdem urbis se habeat (vide Art. 30 praeced. Cap.) ut 1 ad 12; et quos primi, secundi, tertii, etc. ordinis esse volunt designabunt. Et sic reliquarum urbium patricii pro magnitudine sui numeri plures paucioresve senatores eligent, et in tot ordines distribuent in quot senatum

2. *NS kan dit niet anders, dan van d' opperste Raatvergadering, gedaan worden.*
18. *NS gelijk ook*; hence *L ut et. OP ut.*
29. *NS en in zo veel ordeningen (zullen) verdeelen*; *V–L et in tot ordines distribuent*; *OP et in ordines distribuent.*

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of State, Gelderland, Zeeland, and Friesland two each, Utrecht, Overijssel, and Groningen one each. Since each deputy had a vote the leading position of Holland was to some extent recognized in this council (de la Bassecour Caan, op. cit., p. 166).

For in a state which has no capital city this cannot be done by the supreme council, as it was in the first type of aristocracy. See Section 38 of the previous Chapter.

6. Moreover in this state the supreme council[1] should not be summoned unless it is necessary to reorganize the state itself, or for some difficult task which the senators regard as beyond their power; and so it will be very rare for all the patricians to be summoned to meet as a body. For the chief duties of the supreme council are, as I said in Section 17 of the previous Chapter, first to make and repeal laws, and then to appoint ministers of state. But the laws or general ordinances of the whole state should not be altered as soon as they have been made. On the other hand time and circumstances may make it necessary to lay down some new law, or to change one which already exists. If so, the matter can first be discussed in the senate; once it has reached agreement, it should send official envoys to announce its decision to the patricians of each city; and if a majority of cities then agrees with the senate's decision, that decision should be valid—but otherwise null and void. This same procedure can be followed in appointing army commanders, and ambassadors to foreign states, and likewise in making decisions to wage war or to accept conditions of peace.[2] But in appointing the other ministers of state it is necessary to follow a different method, since (as I have shown in Section 4 of this Chapter) each city must remain in possession of its own right as far as possible, and must have more right in the government in proportion as it exceeds the others in power. Senators, for instance, should be chosen by the patricians of each city; i.e. the patricians of one city will appoint in their council a certain number of senators from their citizen colleagues, and this number should stand to the number of patricians in that city in the ratio of one to twelve. See Section 30 of the previous Chapter. Furthermore they will name those whom they wish to serve on each section, the first, the second, the third, and so on. In the same way the patricians of the other cities will appoint a greater or smaller number of senators in proportion to their own number,[3] and will divide them up among as many sections as I said should constitute the senate. See

[1] A model for Spinoza's supreme council may be found in the full States General, of which the ordinary States General was simply a representative (Temple, op. cit., ch. ii, pp. 67–69). The functions of the ordinary States General are performed by Spinoza's senate.

[2] The ordinary States General had to obtain the approval of the Provincial Estates, and the Provincial Estates that of the town councils, before decisions on such matters were valid; but the approval had usually to be unanimous (Temple, op. cit., ch. ii, pp. 70–72).

[3] *TP* vi, 25, p. 329, n. 1, and vii, 5, p. 341, n. 1. Holland sent three deputies to the Council

[*footnotes contd. opposite*

dividendum esse diximus (vid. Art. 34 praeced. Cap.): quo fiet ut in unoquoque senatorum ordine pro magnitudine cujuscunque urbis plures paucioresve ejusdem senatores reperiantur. At ordinum praesides eorumque vicarii, quorum numerus minor est urbium numero, a senatu ex consulibus electis sorte eligendi sunt. In judicibus praeterea supremis imperii eligendis idem ordo retinendus est, scilicet ut uniuscujusque urbis patricii ex suis collegis pro magnitudine sui numeri plures aut pauciores judices eligant. Atque adeo fiet ut unaquaeque urbs in eligendis ministris sui juris quantum fieri potest sit, et ut unaquaeque quo potentior est, eo etiam plus juris tam in senatu quam in foro obtineat; posito scilicet quod senatus et fori ordo in decernendis imperii rebus et quaestionibus dirimendis talis omnino sit qualem Art. 33 et 34 praec. Cap. descripsimus.

7. Cohortium deinde duces et militiae tribuni a patriciis etiam eligendi sunt. Nam quia aequum est ut unaquaeque urbs pro ratione suae magnitudinis certum militum numerum ad communem totius imperii securitatem conducere teneatur, aequum etiam est ut patriciis uniuscujusque urbis, pro numero legionum quas alere tenentur, tot tribunos, duces, signiferos, etc. eligere liceat quot ad illam militiae partem quam imperio suppeditant ordinandam requiruntur.

8. Vectigalia nulla etiam a senatu subditis imponenda; sed ad sumptus qui ad negotia publica peragenda ex senatus decreto requiruntur, non subditi sed urbes ipsae ab ipso senatu ad censum vocandae sunt, ita ut unaquaeque urbs pro ratione suae magnitudinis sumptuum partem majorem vel minorem ferre debeat; quam quidem partem ejusdem urbis patricii a suis urbanis ea qua velint via exigent, eos scilicet vel ad censum trahendo, vel, quod multo aequius est, iisdem vectigalia imponendo.

9. Porro quamvis omnes hujus imperii urbes maritimae non sint, nec senatores ex solis urbibus maritimis vocentur, possunt tamen iisdem eadem emolumenta decerni quae Art. 31 praec. Cap. diximus; quem

12. *P dirimendis*; *OP derimendis*.

14. *NS van de Keurraden*, i.e. *a patriciis*; *OP e patriciis*. I prefer the *NS* reading because (1) Spinoza, as the context shows, is contrasting the appointments which are made directly by the patricians of each city with those made by the senate, and (2) the *OP* reading, by suggesting that subordinate officers are to be appointed from the patricians alone, contradicts the statement on p. 374, ll. 9–12.

17–19. *NS dat de Keurraden . . . mogen verkiezen*; *OP ut e patriciis . . . eligere liceat*. See the previous note.

Section 34 of the previous Chapter. The result will be that in each section of the senate every city will have a greater or smaller number of senators according to its size. But the presidents and vice-presidents of the sections, whose number is less than the number of cities, should be chosen by lot by the senate from those who have been appointed consuls. The supreme judges of the state should be elected in the same way as the senators; i.e., the patricians of each city should choose from their colleagues more or fewer judges according to their own number.[1] This will ensure that each city has as much independence as possible in the appointment of ministers, and that each has as much right in both the senate and the law-court as is proportionate to its power; provided, of course, that in deciding state policy and settling disputes the senate and court follow exactly the same procedure as I described in Sections 33 and 34 of the previous Chapter.

7. Company commanders and colonels should also be appointed by the patricians. For since it is just that each city should be bound to engage for the common defence of the whole state a certain number of troops in proportion to its size, it is also just that the patricians of each city, in accordance with the number of regiments which they are bound to maintain, should be allowed to appoint as many colonels, captains, ensigns, etc., as are required to officer that portion of the armed forces which they provide for the state.[2]

8. Nor should the senate impose any taxes on the subjects. To meet the expenditure required to carry out public undertakings in accordance with its decree, it should assess, not individual subjects, but the cities themselves, binding each city to defray a greater or smaller part of the expenditure according to its size. The patricians of each city will collect this sum from their townsfolk in the way they think best,[3] i.e. either by direct or by indirect taxation, the latter being much the more equitable method.

9. Although the senators are not drawn exclusively from coastal cities—not all the cities of this state being on the coast—they can still be assigned the same remuneration as I have laid down in Section 31 of the previous Chapter; and to achieve this it will be possible to devise

[1] The Netherlands had no supreme court of justice, but Holland and Zeeland had a common court of twelve judges, nine from Holland and three from Zeeland (Temple, op. cit., ch. ii, p. 67).

[2] In 1651 'the States-Provincial (assumed) the disposal of all Military Commands in those Troops which their share was to pay' (Temple, op. cit., ch. ii, p. 82).

[3] Temple, op. cit., ch. ii, pp. 73–74.

in finem pro imperii constitutione media excogitari poterunt quibus urbes invicem arctius copulentur. Caeterum reliqua ad senatum et forum, et absolute ad universum imperium spectantia, quae in praec. Cap. tradidi, huic etiam imperio applicanda sunt. Atque adeo videmus quod in imperio quod plures urbes tenent non necesse sit supremo concilio convocando certum tempus aut locum designare: at senatui et foro locus dicandus est in pago vel in urbe quae suffragii jus non habet. Sed ad illa quae ad singulas urbes spectant revertor.

10. Ordo supremi concilii unius urbis in eligendis urbis et imperii ministris, et in rebus decernendis, idem ille quem Art. 27 et 36 praec. Cap. tradidi esse debet. Nam eadem hic quam illic est ratio. Deinde syndicorum concilium huic subordinandum est, quod ad urbis concilium se habeat ut illud syndicorum praeced. Cap. ad concilium totius imperii, et cujus officium intra limites jurisdictionis urbis idem etiam sit, iisdemque emolumentis gaudeat. Quod si urbs et consequenter patriciorum numerus adeo exiguus fuerit ut non nisi unum aut duos syndicos creare possit, qui duo concilium facere nequeunt, tum syndicis in cognitionibus pro re nata judices a supremo urbis concilio designandi sunt, vel quaestio ad supremum syndicorum concilium deferenda. Nam ex unaquaque urbe aliqui etiam ex syndicis in locum ubi senatus residet mittendi sunt, qui prospiciant ut jura universi imperii inviolata serventur, quique in senatu absque jure suffragii sedeant.

11. Urbium consules a patriciis etiam ejusdem urbis eligendi sunt, qui veluti senatum illius urbis constituant. Horum autem numerum determinare non possum, nec etiam necesse esse existimo, quandoquidem ejusdem urbis negotia quae magni ponderis sunt a supremo ejusdem concilio, et quae ad universum imperium spectant a magno senatu peraguntur. Caeterum si pauci fuerint, necesse erit ut in suo concilio palam suffragia ferant, non autem calculis, ut in magnis conciliis. In parvis enim conciliis ubi suffragia clam indicantur, qui aliquanto callidior est facile cujusque suffragii auctorem noscere, et minus attentiores multis modis eludere potest.

12. In unaquaque praeterea urbe judices a supremo ejusdem concilio constituendi sunt, a quorum tamen sententia supremum imperii

5. *NS daar in veel steden zijn*, i.e. *quod plures urbes tenet* (or *continet*).
9. *urbis et* not in *NS*.
30–31. *NS die in schalkheit d' anderen overtreft*, i.e. *qui reliquis callidior est*.

means, appropriate to the constitution of the state, which will bind the cities more closely together. The remaining regulations laid down for the senate and court, and, in general, for the whole state, are also applicable here. Thus we see that in a state where sovereignty is vested in several cities it is unnecessary to appoint a fixed time or place for meetings of the supreme council; the senate and law-court, however, should be assigned a meeting-place in a country district or a city which has no right of voting. But I must return to points concerning individual cities.

10. In appointing city officials and ministers of State, and in making decisions, the supreme council of a city must follow the same procedure as I have described in Sections 27 and 36 of the previous Chapter; for the same reasons apply in both cases. Furthermore, there should be a council of syndics under this council, and these should bear the same proportion to the city council as the council of syndics in the previous Chapter bears to the supreme council of the whole State. Their duties —within the limits of the city's jurisdiction—should also be the same, and they should enjoy the same remuneration. But if the city and consequently the number of patricians is so small that it is unable to appoint more than one or two syndics, then—since these two cannot constitute a council—the supreme council of the city should either nominate judges as occasion arises to assist the syndics in their inquiries, or else refer the matter to the supreme council of syndics. For every city should also send syndics to the place where the senate holds its sessions, to see that the laws of the whole state are kept inviolate, and to sit on the senate without the right to vote.

11. The patricians of a city should also appoint the city consuls,[1] who should form as it were the senate of that city. The number of these consuls I am unable to determine, nor indeed do I think it necessary to do so, since the main affairs of the city are handled by its supreme council, and those which concern the state as a whole by the grand senate. However, if they are few in number it will be necessary for them to vote openly in their assembly, and not, as in large councils, by secret ballot. For when votes are given in secret in small councils the man who is a little more cunning than the rest can easily discover the author of each vote, and outwit less attentive members in many ways.

12. Every city should also have judges appointed by its supreme council; but defendants should be allowed to appeal from their verdicts

[1] These are equivalent to the Burgomasters of Dutch towns.

judicium appellare liceat, praeterquam reo palam convicto et confitenti debitori. Sed haec ulterius persequi non est opus.

13. Superest igitur ut de urbibus quae sui juris non sunt loquamur. Hae, si in ipsa imperii provincia vel regione conditae, et earum incolae ejusdem nationis et linguae sint, debent necessario, sicuti pagi, veluti urbium vicinarum partes censeri, ita ut earum unaquaeque sub regimine hujus aut illius urbis quae sui juris est esse debeat. Cujus rei ratio est quod patricii non a supremo hujus imperii sed a supremo uniuscujusque urbis concilio eligantur, qui in unaquaque urbe pro numero incolarum intra limites jurisdictionis ejusdem urbis plures paucioresve sunt (per Art. 5 hujus Cap.). Atque adeo necesse est ut multitudo urbis quae sui juris non est ad censum multitudinis alterius quae sui juris sit referatur, et ab ejus directione pendeat. At urbes jure belli captae et quae imperio accesserunt veluti imperii sociae habendae, et beneficio victae obligandae; vel coloniae quae jure civitatis gaudeant eo mittendae, et gens alio ducenda; vel omnino delendae sunt.

14. Atque haec sunt quae ad hujus imperii fundamenta spectant. Quod autem ejus conditio melior sit quam illius quod nomen ab una urbe sola habet, hinc concludo: quod scilicet uniuscujusque urbis patricii, more humanae cupidinis, suum jus tam in urbe quam in senatu retinere, et, si fieri potest, augere studebunt, atque adeo quantum poterunt conabuntur multitudinem ad se trahere, et consequenter imperium beneficiis magis quam metu agitare, suumque numerum augere; quippe quo plures numero fuerint, eo plures (per Art. 6 hujus Cap.) ex suo concilio senatores eligent, et consequenter (per Art. eundem) plus juris in imperio obtinebunt. Nec obstat quod, dum unaquaeque urbs sibi consulit reliquisque invidet, saepius inter se discordent et tempus disputando consumant. Nam si dum Romani deliberant perit Sagunthus, dum contra pauci ex solo suo affectu omnia decernunt perit

12. *NS tot de schatting van een andere menigte*—a mistranslation.

16. *NS of (men moet) de plaatsen gantschelijk uitroejen*; *OP vel omnino delenda est.* But genocide seems an extreme measure for Spinoza to advocate; even Machiavelli, on whom the end of this Section is based, contents himself with the destruction of the ruling house. Furthermore, the parallel passage on p. 332, ll. 1–5, suggests that it is the cities, not their inhabitants, which are to be destroyed. Hence *G* reads *vel urbs omnino delenda est.* But the change to the singular is awkward, and *NS* suggests a plural.

24. *OP per Art. 16*, which is corrected to *per Art. 6* in the list of Errata; *NS volgens het zeste Lid.*

to the supreme court of the state, except when their guilt has been clearly proven or they confess their debt.[1] However there is no need to pursue this farther.

13. It remains, then, to speak of the cities which are not possessed of their own right. If these are situated in the actual lands or territories of the state, and their inhabitants belong to the same race and speak the same tongue, they must necessarily be regarded as parts of the neighbouring cities, just like the country districts; so that each must be under the control of some city or other which is possessed of its own right. The reason for this is that patricians are not co-opted here by the supreme council of the state but by the supreme council of each city, and their number in each city depends on the number of inhabitants within the limits of that city's jurisdiction (by Section 5 of this Chapter). This makes it necessary for the population of a city which is not possessed of its own right to be added to the population roll of another which is, and to be subject to its control. But cities which have been taken by the right of war, and annexed to the state, should be regarded as allies who must be won over and bound by kindness; or their population should be transplanted elsewhere and replaced by colonies which enjoy political rights; or they should be completely destroyed.[2]

14. These, then, are the laws which form the basis of this kind of state. That it is superior to an aristocracy which takes its name from one city only, I conclude from the following facts. The patricians of each city, inspired by normal human ambition, will be eager to maintain and, if possible, extend their right both in the city and in the senate. They will therefore do their utmost to attract population to their city by ruling more by kindness than by fear,[3] and to increase their own numbers; for the more numerous they are, the more members of their own council will they elect to the Senate (by Section 6 of this Chapter), and consequently the more right will they have in the state (by the same Section). To say that when every city is intent on its own advantage and jealous of the others they quarrel more frequently and waste time in argument is not a decisive objection to my view. No doubt 'Saguntum perishes while the Romans deliberate';[4] but liberty and the common

[1] In Holland no appeal was allowed from town court to provincial court in criminal cases (Temple, op. cit., ch. ii, pp. 56 and 60).

[2] Machiavelli, *Prince*, iii and v; *Discourses* ii, 23.

[3] Hence greater freedom for the subjects (*TP* viii, 3, p. 369).

[4] A proverb based on Livy xxi, vii, 1. Van Hove quotes it several times (e.g. *Polityke Weegschaal*, pp. 38 and 271) in pointing out that though a king can made speedy decisions, a council must often waste time and opportunity in discussing conflicting opinions.

libertas communeque bonum. Sunt namque humana ingenia hebetiora quam ut omnia statim penetrare possint; sed consulendo, audiendo, et disputando acuuntur, et dum omnia tentant media ea quae volunt tandem inveniunt, quae omnes probant et de quibus nemo antea cogitasset. Cujus rei in Hollandia multa vidimus exempla. Quod si quis regerat hoc Hollandorum imperium non diu absque comite, vel vicario qui vicem comitis suppleret, stetisse, hoc sibi responsum habeat, quod Hollandi ad obtinendam libertatem satis sibi putaverunt comitem deserere, et imperii corpus capite obtruncare, nec de eodem reformando cogitarunt, sed omnia ejus membra uti antea constituta fuerant reliquerunt, ita ut Hollandia comitatus sine comite, veluti corpus sine capite, ipsumque imperium sine nomine manserit. Atque adeo minime mirum quod subditi plerique ignoraverint penes quos summa esset imperii potestas. Et quamvis hoc non esset, ii tamen qui imperium revera tenebant longe pauciores erant quam ut multitudinem regere et potentes adversarios opprimere possent. Unde factum ut hi saepe impune iis insidiari, et tandem evertere potuerint. Subita itaque ejusdem reipublicae eversio non ex eo orta est, quod tempus in deliberationibus inutiliter consumeretur, sed ex deformi ejusdem imperii statu et paucitate regentium.

15. Est praeterea hoc aristocraticum imperium quod plures urbes tenent alteri praeferendum, quia non opus est, ut in praecedenti, cavere ne universum supremum ejus concilium subito impetu opprimatur, quandoquidem (per Art. 9 hujus Cap.) eidem convocando nullum tempus nec locus designatur. Sunt praeterea potentes cives in hoc imperio minus timendi. Nam ubi plures urbes libertate gaudent, non sufficit ei qui viam ad imperium affectat urbem unam occupare, ut imperium in reliquas obtineat. Est denique in hoc imperio libertas pluribus communis. Nam ubi una sola urbs regnat, eatenus reliquarum bono consulitur quatenus regnanti huic urbi expedit.

4–5. *NS en op de welken te voren niemant gedacht had; daar af wy in Hollant veel voorbeelden gezien hebben. OP* has no equivalent for *daar af . . . hebben*, although *hoc* in the following sentence suggests that some reference to Holland should precede. *Cujus rei in Hollandia multa vidimus exempla* is *L*'s rendering of the Dutch.

6. *P*, *Gf*, and *B* delete *hoc*, not suspecting the lacuna; *NS deze.*

11. *NS in voegen dat Hollant een Graafschap zonder Graaf . . . gebleven is*; *OP ita ut Hollandiae comitatus sine comite . . . manserit.* The *OP* reading misses the point: which is, not that the county of Holland has been left without a count, but that Holland has been left a *county* without a count.

17. *NS De haastige omwerping*, i.e. *Subita*; *OP Subitâ.*

20–21. *NS die veel steden onder zich heeft*, i.e. *quod plures urbes tenet.* Cf. Sections 1, 3, and 9. The consistency with which this variant occurs suggests that these passages were revised by Spinoza, and that the *NS* text reflects an earlier version.

21. *NS* (*gelijk in 't voorgaande Lid gezegt is*)—a mistranslation.

29. *NS als het dienstig voor de genen is, die deze stat bestieren*—another mistranslation.

good perish when a few men decide everything to suit their own whims. The fact is that human wits are too blunt to get to the heart of all problems immediately; but they are sharpened by the give and take of discussion and debate, and by exploring every possible course men eventually discover the measures they wish, measures which all approve and which no one would have thought of before the discussion. Of this we have seen many instances in Holland.[1] And if anyone objects that the state of Holland has not maintained itself for long without a count, or a lieutenant to act in his place,[2] my reply is this. The people of Holland thought that to gain their freedom they had only to secede from their count[3] and cut off the head of the body politic; they never thought of reorganizing their state, but left all its other parts in their original form; and so Holland has been left a county without a count, like a body without a head, and the real government has been left without a name. Small wonder then that most of the subjects did not know in whose hands the sovereignty lay.[4] And even if this had not been so, those who actually held the sovereignty were far too few to be capable of governing the people and crushing their powerful opponents;[5] hence the latter have been able to plot against them, often without penalty, and finally to overthrow them. So the sudden overthrow of this republic[6] was not due to time wasted on deliberations, but to its defective condition and the fewness of its rulers.[7]

15. Another reason why an aristocracy where sovereignty is vested in several cities is superior is that, unlike the first type, it needs no safeguards to prevent its whole supreme council from being overthrown by a sudden attack; since that council has no time or place appointed for its meetings (by Section 9 of this Chapter).[8] Moreover, powerful citizens are less dangerous in this type of state; for where freedom is enjoyed by several cities it is not sufficient for the man who is aiming at sovereignty to seize one city in order to gain control over the rest. Finally, freedom is common to more of the members. For where one city alone holds sway the good of the others is considered only if it serves the interest of the ruling city.

1 Temple, op. cit., ch. ii, pp. 65–66. 2 i.e. a stadtholder. 3 Philip II of Spain.

4 The effect of Spinoza's proposals would be to confer it on a general assembly of the regents of the towns.

5 The Orangists. 6 In 1672.

7 Van Hove was perturbed by the disproportion between regents and commoners, especially in Holland, and foresaw a revolution (op. cit. II, ii, 6, p. 291).

8 Van Hove had pointed out that an enemy who captured the assembly-place of a republic had that republic in his power (op. cit. II, i, 3, p. 267).

# CAPUT X

1. Imperii utriusque aristocratici fundamentis explicatis et ostensis, superest ut inquiramus an aliqua causa culpabili possint dissolvi aut in aliam formam mutari. Primaria causa unde hujusmodi imperia dissolvuntur illa est quam acutissimus Florentinus Disc. 1 lib. 3 in Tit. Livium observat, videlicet quod *imperio, sicuti humano corpori, quotidie aggregatur aliquid quod quandoque indiget curatione.* Atque adeo necesse esse ait ut aliquando aliquid accidat quo imperium ad suum principium, quo stabiliri incepit, redigatur. Quod si intra debitum tempus non acciderit, vitia eo usque crescent ut tolli nequeant nisi cum ipso imperio. Atque hoc, inquit, vel casu contingere potest, vel consilio, et prudentia legum aut viri eximiae virtutis. Nec dubitare possumus quin haec res maximi sit ponderis, et quod, ubi huic incommodo provisum non sit, non poterit imperium sua virtute, sed sola fortuna permanere; et contra, ubi huic malo remedium idoneum adhibitum fuerit, non poterit ipsum suo vitio, sed solummodo inevitabili aliquo fato cadere, ut mox clarius docebimus. Primum quod huic malo remedium occurrebat, hoc fuit, ut scilicet singulis lustris supremus aliquis dictator in mensem unum aut duos crearetur, cui jus esset de senatorum et cujuscunque ministri factis cognoscendi, judicandi, et statuendi, et consequenter imperium ad suum principium restituendi. Sed qui imperii incommoda vitare studet, remedia adhibere debet quae cum imperii natura conveniant, et quae ex ipsius fundamentis deduci queant; alias in Scyllam incidet cupiens vitare Charybdin. Est quidem hoc verum, quod omnes, tam qui regunt quam qui reguntur, metu supplicii aut damni contineri debeant, ne impune vel cum lucro peccare liceat; sed contra certum etiam est, quod si hic metus bonis et malis hominibus communis fuerit, versetur necessario imperium in summo periculo. Cum igitur dictatoria potestas absoluta sit, non potest non esse omnibus formidabilis, praesertim si statuto tempore, ut requiritur, dictator crearetur; quia tum unusquisque gloriae cupidus eum honorem summo studio ambiret, et certum est quod in pace non tam virtus quam opulentia spectatur, ita ut quo quisque superbior, eo facilius honores adipiscatur.

5. Whereas *OP* prints *sicuti humano corpori* in ordinary type, *NS* makes *gelijk aan een menschelijk lighaam* part of the quotation. Rightly, since Machiavelli himself draws the comparison.

17–18. *NS voor een maant, voor een jaar, of voor twee jaren.* Probably the translator misread *unum* as *annum.*

18. *V–L crearetur*; *OP creetur.*

29. *NS verkozen word*, i.e. *creetur.*

31. *NS naar deze eer zal trachten*, i.e. *ambiet.*

# CHAPTER X

1. Now that I have set out and explained the fundamental laws of both aristocracies, it remains to inquire whether such states have any avoidable defect which is capable of destroying them or altering their form. The primary cause of their destruction is the one noted by the shrewd Florentine in the first Discourse of his third Book on Livy, when he says that 'a state, like a human body, is subject to daily accretions which occasionally require treatment'.[1] It is therefore necessary, he goes on, that something should happen from time to time to restore the state to its proper basis, the source of its original strength; for if this does not happen within the necessary time its defects will grow to such a pitch that they cannot be removed without destroying the state itself. The restoration, he tells us, can come about either by chance or by design; and either through wise laws or the wisdom of an outstanding man. Now we cannot doubt that this is a matter of vital importance, and that where no steps have been taken to deal with this malady the state will not be able to survive through its own strength, but only by good fortune; whereas if a proper remedy has been provided it will be impossible for the state to fall through any defect of its own, but only by some unavoidable mischance, as I shall presently show more clearly. The first remedy which suggested itself was to appoint a dictator, with supreme power for one or two months, every five years,[2] and to give him the right to examine, judge, and pronounce upon the conduct of the senators and all the ministers, and hence to restore the state to its original basis. But he who seeks to avoid the troubles which afflict a state should use remedies consistent with the nature of that state, and deducible from its fundamental laws; otherwise the cure will be worse than the disease. It is true that all men, rulers as well as ruled, must be restrained by fear of punishment or loss from doing wrong with impunity or profit; but it is also true that if this fear is common to good and bad men alike the state will inevitably find itself in very great danger. Now since dictatorial power is absolute, it cannot fail to inspire fear in everyone, especially if the dictator is appointed, as is necessary, at a fixed time; for in that case every man of ambition will canvass for the position with the greatest eagerness, and since in time of peace more attention is certainly paid to wealth than to ability, office tends

[1] Machiavelli, *Discourses* iii, 1. Cf. Aristotle, *Politics* 1307$^{b}$ 1–6.
[2] I have not been able to trace the source of this suggestion.

Et forte hac de causa Romani nullo constituto tempore, sed fortuita quadam necessitate coacti, dictatorem facere consueverant. At nihilominus rumor dictatoris, ut Ciceronis verba referam, bonis injucundus fuit. Et sane, quandoquidem haec dictatoria potestas regia absolute est, potest non absque magno reipublicae periculo imperium aliquando in monarchicum mutari, tametsi in tempus quantumvis breve id fiat. Adde quod, si ad creandum dictatorem nullum certum tempus designatum sit, ratio tum nulla temporis intercedentis ab uno ad alium, quam maxime servandam esse diximus, haberetur; et quod res etiam vaga admodum esset, ut facile negligeretur. Nisi itaque haec dictatoria potestas aeterna sit et stabilis, quae servata imperii forma in unum deferri nequit, erit ergo ipsa, et consequenter reipublicae salus et conservatio, admodum incerta.

2. At contra dubitare nequaquam possumus (per Art. 3 Cap. 6) quod si possit servata imperii forma dictatoris gladius perpetuus, et malis tantummodo formidini esse, nunquam eo usque vitia invalescere poterunt ut tolli aut emendari nequeant. Ut igitur has omnes conditiones obtineamus, syndicorum concilium concilio supremo subordinandum diximus, ut scilicet dictatorius ille gladius perpetuus esset non penes personam aliquam naturalem, sed civilem, cujus membra plura sint quam ut imperium inter se possint dividere (per Art. 1 et 2 Cap. 8), vel in scelere aliquo convenire. Ad quod accedit quod a reliquis imperii muneribus subeundis prohibeantur, quod militiae stipendia non solvant, et quod denique ejus aetatis sint ut praesentia ac tuta quam nova et periculosa malint. Quare imperio nullum ab iis periculum, et consequenter non bonis sed malis tantummodo formidini esse queunt; et revera erunt. Nam ut ad scelera peragenda debiliores, ita ad malitiam coercendam potentiores sunt: nam praeterquam quod principiis obstare possunt (quia concilium aeternum est), sunt praeterea numero satis

3. *OP tumor dictatoris*; *NS d' opgeblazentheit van d' Oppervoocht*. *V–L*'s emendation *rumor* is based on the text of Cicero (*Epp. ad Quintum fratrem* III, 8, 4), which gives no support whatever for *tumor*. Though it is possible that Spinoza misquoted Cicero, it is more probable that his editors and translator mistook his *r* for a *t*. For (in spite of *opulentia* and *superbior* above) the context requires *rumor*; Spinoza is saying that although the Romans may have avoided dictators who were *opum magnitudine tumidi* (see p. 436, ll. 6–7) by appointing to the office only in emergencies, talk of a dictator (and it was *rumor* just because a Roman dictator was not appointed *constituto tempore*) was still displeasing to loyal citizens because his power was dangerous to the republican constitution.

9. *NS daar op men voornamelijk te zien had, gelijk wy gezegt hebben*, which suggests *observandam*.

19–20. *NS niet by enig man alleen, maar by verscheiden te zamen.*

21. *V–L Cap. 8*; *OP praec. Cap*; *NS van 't voorgaande Hooftdeel.*

to go to the richest and most arrogant. This perhaps is why the Romans used to appoint a dictator at no fixed time, but only when compelled by some chance need. Even so, to quote the words of Cicero, talk of a dictator was displeasing to loyal citizens. And obviously, since this dictatorial power is essentially regal, it is only with great risk to its republican constitution that a state can become a monarchy from time to time, however short the period for which it does so.[1] Besides, if no fixed time were assigned for the appointment of a dictator, no reckoning would be kept of the length of time between one dictator and the next, although, as I said, a careful reckoning is required; what is more, the whole thing would be so indefinite that it might easily be overlooked altogether. Thus unless this dictatorial power is permanent and stable—in which case it cannot be vested in one man without destroying the form of the state—its very existence, and hence the safety and preservation of the commonwealth, will be very much a matter of chance.

2. Yet in the light of Section 3, Chapter 6, it is impossible to doubt that if a dictatorial sword can be permanent without destroying the form of the state, and a threat to the wicked only, vices will never be able to increase to such a pitch that they cannot be removed or corrected. Now it was to satisfy all these conditions that we advised the creation of a council of syndics subordinate to the supreme council; so that the dictatorial sword might be permanently vested, not in any natural person, but in a civil person[2] whose members are too numerous to be capable of dividing the state among themselves (by Sections 1 and 2 of Chapter 8), or of agreeing on any crime. In addition, they are debarred from holding any other office in the state, they do not pay the armed forces, and, lastly, are of such an age as to prefer the safety of the status quo to the dangers of innovation. For these reasons the state has no danger to fear from them, so it is not to the good but only to the wicked that they can be a threat; and this, in fact, they will be. Indeed, the less power they have to perpetrate crimes, the more they have to suppress wickedness; for—apart from the fact that they can nip it in the bud[3] (since their council is permanent)—their numbers

[1] The Roman dictator was appointed to deal with an emergency, and held office for six months or less. Machiavelli maintained that this institution was highly beneficial to Rome (*Discourses* i, 34); Spinoza follows Van Hove, who pointed out that it later became a danger to freedom (*Polityke Weegschaal* II, vi, 2, p. 377).

[2] Machiavelli is aware that the *dictatoria potestas* may be vested in a permanent council, and in *Discourses* i, 34 refers to the *Dieci* of Venice.

[3] Ovid, *Remedia Amoris*, 91 : *Principiis obsta.*

magno ut sine invidiae timore potentem unum aut alterum accusare et damnare audeant; praesertim quia suffragia calculis feruntur, et sententia nomine totius concilii pronunciatur.

3. At Romae plebis tribuni perpetui etiam erant: verum impares ut Scipionis alicujus potentiam premerent; et praeterea id quod salutare esse judicabant ad ipsum senatum deferre debebant, a quo etiam saepe eludebantur, efficiendo scilicet ut plebs ei magis faveret quem ipsi senatores minus timebant. Ad quod accedit quod tribunorum contra patricios auctoritas plebis favore defenderetur, et quotiescunque ipsi plebem vocabant seditionem potius movere quam concilium convocare viderentur. Quae sane incommoda in imperio quod in praecedd. duob. Capp. descripsimus locum non habent.

4. Verum enim vero haec syndicorum auctoritas hoc solummodo praestare poterit, ut imperii forma servetur; atque adeo prohibere ne leges infringantur, et ne cuiquam cum lucro peccare liceat; sed nequaquam efficere poterit ne vitia quae lege prohiberi nequeunt gliscant, ut sunt illa in quae homines otio abundantes incidunt, et ex quibus imperii ruina non raro sequitur. Homines enim in pace deposito metu paulatim ex ferocibus et barbaris civiles seu humani, et ex humanis molles et inertes fiunt, nec alius alium virtute, sed fastu et luxu excellere studet; unde patrios mores fastidire, alienos induere, hoc est, servire incipiunt.

5. Ad haec mala vitandum multi conati sunt leges sumptuarias condere; sed frustra. Nam omnia jura quae absque ulla alterius injuria

12. *OP habet*, which is corrected to *habent* in the list of Errata; *NS geen plaats heeft.*

19. *NS in plaats van woest en onbezuist.* Hence *L ex ferocibus et barbaris. OP ex ferocibus barbaris.*

21. *NS zy de vaderlijke zeden beginnen te verächten, en daar af te walgen, en de vreemden aan te wennen.* It is possible that *et* has fallen out before *alienos* in the *OP* text.

are large enough to embolden them to accuse and condemn powerful individuals without any fear of unpopularity; especially as the voting is by secret ballot, and the verdict is pronounced in the name of the council as a whole.

3. It may be said that at Rome the tribunes of the people[1] were also standing officials. But they were too weak to suppress the power of a Scipio;[2] besides, they had to lay any measure which they thought salutary before the senate itself, and that body could often frustrate their efforts by ensuring that a tribune whom the senators themselves feared less found greater support among the people.[3] In addition, their authority against the patricians was maintained by popular support, and whenever they called a meeting of the people on their own initiative it looked as if they were fomenting a revolt rather than convoking an assembly. Such defects, of course, have no place in the kind of state described in the last two Chapters.[4]

4. However, the authority of the syndics will be able to ensure no more than the preservation of the constitution. It will thus be able to prevent anyone from breaking the law, and from finding profit in wrong-doing; but it will be quite incapable of preventing the spread of the vices which cannot be forbidden by law, those, for instance, which arise from a life of ease, and which lead quite often to the downfall of the state. The fact is that in time of peace men lay aside their fear; savages and barbarians gradually become civilized or cultured, and culture in turn gives rise to softness and laziness; men no longer strive to surpass one another in courage, but in pride and extravagance; they thus begin to disdain the ways of their ancestors, to adopt foreign customs, in a word, to be slaves.[5]

5. Many have tried to prevent these ills by passing sumptuary laws; but without success.[6] For any law which can be broken without

[1] The *tribuni plebis* were appointed to protect the plebeians against the patricians (Machiavelli, *Discourses* i, 3). This function they share with Spinoza's syndics (*TP* viii, 28, p. 391, and viii, 41, p. 407); but they cannot be taken as an adequate model. It is necessary to make this clear since Machiavelli had mentioned the institution of tribunes as one of the things which brought the Roman Republic back to its original principles (*Discourses* iii, 1).

[2] Here Spinoza follows Van Hove (op. cit. II, vi, 2, p. 377). Scipio Africanus successfully defended his brother and himself against tribunician attacks in 189 and 185 B.C.

[3] Machiavelli, *Discourses* iii, 11.

[4] The tribunes convoked, and were appointed by, the *concilium plebis*. Naturally no such assembly can exist in Spinoza's aristocracy (*TP* viii, 4–5, pp. 371–3).

[5] Machiavelli notices the enervating effects of peace in *Discourses* i, 6; cf. Bacon, *Essay* xxix.

[6] *TT-P* xx, p. 235. Sumptuary regulations had recently been devised for Amsterdam (Temple, *Observations*, ch. vi, p. 150).

violari possunt ludibrio habentur, et tantum abest ut hominum cupiditates et libidines frenent, quin contra easdem intendant: nam nitimur in vetitum semper, cupimusque negata. Nec unquam hominibus otiosis ingenium deest ad eludenda jura quae instituuntur de rebus quae absolute prohiberi nequeunt, ut sunt convivia, ludi, ornatus, et alia hujusmodi, quorum tantummodo excessus malus, et ex uniuscujusque fortuna aestimandus est, ita ut lege nulla universali determinari queat.

6. Concludo itaque communia illa pacis vitia, de quibus hic loquimur, nunquam directe, sed indirecte prohibenda esse, talia scilicet imperii fundamenta jaciendo quibus fiat ut plerique, non quidem sapienter vivere studeant—nam hoc impossibile est,—sed ut iis ducantur affectibus ex quibus reipublicae major sit utilitas. Atque adeo huic rei maxime studendum, ut divites, si non parci, avari tamen sint. Nam non dubium est quin, si hic avaritiae affectus, qui universalis est et constans, gloriae cupidine foveatur, plerique rei suae sine ignominia augendae summum ponant studium, quo honores adipiscantur et summum dedecus vitent.

7. Si itaque ad fundamenta utriusque imperii aristocratici quae praeced. duobus Capp. explicui attendamus, hoc ipsum ex iisdem sequi videbimus. Numerus enim regentium in utroque adeo magnus est ut divitum maximae parti aditus ad regimen pateat et ad imperii honores adipiscendos. Quod si praeterea (uti diximus Art. 47 Cap. 8) statuatur ut patricii qui plus debent quam sunt solvendo ordine patricio deturbentur, et qui bona sua infortunio perdiderunt ut in integrum restituantur, non dubium est quin omnes quantum poterunt conabuntur bona sua conservare. Peregrinos praeterea habitus nunquam concupiscent nec patrios fastidient, si lege constituatur ut patricii, et qui honores ambiunt, singulari veste dignoscantur: de quo vide Art. 25 et 47 Cap. 8. Et praeter haec alia in quocunque imperio cum natura loci et gentis ingenio consentanea excogitari possunt, et in eo apprime vigilari ut subditi magis sponte quam lege coacti suum officium faciant.

8. Nam imperium quod nihil aliud prospicit quam ut homines metu ducantur, magis sine vitiis erit quam cum virtute. Sed homines ita ducendi sunt, ut non duci sed ex suo ingenio et libero suo decreto vivere

1–2. *NS de lusten en begeerlijkheden*, i.e. *cupiditates et libidines*; *OP cupiditates et libidinem*.
18. *OP* makes no break in the text to indicate Section 7, but passes directly from Section 6 to Section 8. *NS* commences Section 7 here: *B* at *Quod si praeterea* below.

injustice to another person is regarded with derision, and intensifies the desires and lusts of men instead of restraining them; since we always strive for what is forbidden, and desire what is denied.[1] Besides, men of leisure never lack the wit to get round laws which are framed to deal with things which cannot be forbidden absolutely, things like feasting, gambling, personal adornment, and so forth, which are bad only in excess, and must be judged as excessive or otherwise in relation to the wealth of each individual, so that no general law can determine what is excessive and what is not.

6. I therefore conclude that the common peace-time vices which we are here discussing should be prevented indirectly and never directly; that is, by basing the state on such laws as will cause the majority, not indeed to seek to live wisely—for that is impossible—but at any rate to be governed by those passions which are most useful to the commonwealth. Thus every attempt must be made to ensure that the rich, if they cannot be thrifty, are at any rate greedy for gain. For if this passion for gain, which is universal and constant, is reinforced by the desire for glory, most men will certainly make every effort to increase their wealth by honourable means so as to obtain office and avoid great disgrace.

7. Now if we consider the fundamental laws of both aristocracies as set out in the last two Chapters, we shall see that they produce this very result. For in both the number of rulers is so large that most of the rich have access to the government and the offices of state. And if it is also laid down that patricians whose debts exceed their assets should be expelled from the patrician order, while those who have lost their possessions through misfortune should be compensated in full (as I recommended in Section 47, Chapter 8), everyone will certainly do his utmost to preserve his property. Moreover, they will never take a fancy to foreign fashions, and disdain their native garb, if there is a law prescribing that patricians and candidates for promotion should be distinguished from the rest by a particular dress: for this see Sections 25 and 47 of Chapter 8. And further measures can be devised in each state to suit the nature of its territory and the character of its people, their main object being to ensure that the subjects do their duty willingly rather than by legal constraint.[2]

8. For a state whose sole aim is to govern men by fear will be free from faults rather than possessed of merits. Men should really be governed in such a way that they do not regard themselves as being

[1] Ovid, *Amores* III, iv, 17.

[2] *TT-P* v, pp. 95–97; *TP* v, 4–6, p. 311.

sibi videantur; atque adeo ut solo libertatis amore, et rei augendae studio, speque imperii honores adipiscendi retineantur. Caeterum imagines, triumphi, et alia virtutis incitamenta magis servitutis quam libertatis sunt signa. Servis enim, non liberis, virtutis praemia decernuntur. Fateor quidem homines his stimulis maxime incitari; sed ut haec in initio viris magnis, ita postea crescente invidia ignavis et opum magnitudine tumidis decernuntur, magna omnium bonorum indignatione. Deinde qui parentum triumphos et imagines ostentant injuriam sibi fieri credunt ni reliquis praeferantur. Denique, ut alia taceam, hoc certum est, quod aequalitas, qua semel exuta communis libertas necessario perit, conservari nullo modo possit simulatque alicui viro virtute claro singulares honores jure publico decernuntur.

9. His positis, videamus jam an hujusmodi imperia culpabili aliqua causa possint destrui. Verum si quod imperium aeternum esse potest, illud necessario erit cujus semel recte instituta jura inviolata manent. Anima enim imperii jura sunt: his igitur servatis servatur necessario imperium. At jura invicta esse nequeunt nisi et ratione et communi hominum affectu defendantur; alias, si scilicet solo rationis auxilio nituntur, invalidae sane sunt, facileque vincuntur. Cum itaque utriusque imperii aristocratici jura fundamentalia cum ratione et communi hominum affectu convenire ostenderimus, possumus ergo affirmare, si quae ulla imperia, haec necessario aeterna fore, vel nulla culpabili causa sed fato tantummodo aliquo inevitabili posse destrui.

10. At objici nobis adhuc potest quod, quamvis imperii jura in praeced. ostensa ratione et communi hominum affectu defendantur, possint nihilominus aliquando vinci. Nam nullus affectus est qui aliquando a fortiori et contrario affectu non vincatur. Timorem namque mortis a cupidine rei alienae saepe vinci videmus. Qui hostem metu

1–2. *OP et rei augendae studio*; *NS en door d' yver van hun middelen te vermeerderen.* P, *Gf*, and *B* omit *et.*

27–28. *NS dewijl wy zien dat hy, door vrees van de doot, dikwijls van de begeerte van enig vreemd ding word verwonnen.*

governed, but as following their own bent and their own free choice in their manner of life; in such a way, then, that they are restrained only by love of freedom, desire to increase their possessions, and the hope of obtaining offices of state. Statues, triumphs, and similar incentives to virtue,[1] however, are symbols of slavery rather than of freedom; for it is slaves, not free men, who are assigned rewards for virtue. Admittedly, such inducements are a very powerful stimulus; but while at first they are assigned to the great, later, when envy rears its head, they are given to purse-proud nonentities, much to the indignation of all good citizens. Moreover, those who point with pride to the triumphs and statues of their ancestors imagine that they are being wronged if they are not given preference over the rest. Finally, to omit other points, there is no doubt that once equality is abandoned[2] the loss of general freedom inevitably follows, and that equality is doomed as soon as extraordinary appointments are conferred by public decree on some man of renowned ability.

9. Let us now consider in the light of this whether the states we have described possess any avoidable defect which is capable of destroying them. Clearly, if any state can last for ever it must be the state whose constitution, once established on correct principles, is kept intact. For the constitution is the soul of a state:[3] so that to maintain the constitution is necessarily to maintain the state. But a constitution cannot be kept intact unless it is supported both by reason and by the common passions of men; otherwise, of course, i.e. if it depends on the support of reason only, it is weak and easily overthrown.[4] Now I have shown that the constitutions of my two aristocracies conform with both reason and the common passions of men. I can therefore assert that if any state is everlasting these will necessarily be so; in other words they cannot be destroyed by any defect for which I can be held responsible, but only by some unavoidable mischance.

10. However, an objection can still be brought against me. Although, it may be said, the constitutions described above are supported by reason and the common passions of men, there are times when they can still be overthrown. For there is no passion that is not overcome at times by a stronger and contrary passion. For instance, we can often see fear of death being overcome by greed for another's possessions. Or take those

[1] Machiavelli seems to have approved of these devices (*Discourses* iii, 28); Bacon certainly did (*Essay* xxix).

[2] Tacitus, *Annals* III, xxvi, 3 (quoted by Van Hove in *Polityke Weegschaal* III, i, 3, p. 437). Spinoza has this chapter of Tacitus in mind when he rejects *praemia virtutis* above.

[3] Aristotle, *Politics* 1295[a] 40.

[4] *TP* vii, 2, pp. 335–7, and viii, 19, p. 383.

territi fugiunt nullo alterius rei metu detineri possunt, sed sese in flumina praecipitant, vel in ignem ruunt, ut hostium ferrum fugiant. Quantumvis igitur civitas recte ordinata et jura optime instituta sint, in maximis tamen imperii angustiis, quando omnes, ut fit, terrore quodam panico capiuntur, tum omnes id solum quod praesens metus suadet, nulla futuri neque legum habita ratione, probant; omnium ora in virum victoriis clarum vertuntur, eundemque legibus solvunt, atque ipsi imperium—pessimo exemplo—continuant, totamque rempublicam ipsius fidei committunt: quae res sane Romani imperii exitii fuit causa. Sed ut huic objectioni respondeam, dico primo, quod in recte constituta republica similis terror non oritur nisi ex justa causa; atque adeo is terror, et confusio ex eo orta, nulli causae quae prudentia humana vitari poterat adscribi potest. Deinde notandum quod in republica qualem in praeced. descripsimus fieri non potest (per Art. 9 et 25 Cap. 8) ut unus aut alter virtutis fama ita excellat ut omnium ora in se vertat: sed necesse est ut plures habeat aemulos quibus plures alii faveant. Quamvis itaque ex terrore confusio aliqua in republica oriatur, leges tamen fraudare atque aliquem contra jus ad imperium militare renunciare nemo poterit quin statim contentio aliorum petentium oriatur; quae ut dirimatur necesse tandem erit ad semel statuta et ab omnibus probata jura recurrere, atque res imperii secundum leges latas ordinare. Possum igitur absolute affirmare, cum imperium quod una sola urbs, tum praecipue illud quod plures urbes tenent aeternum esse, sive nulla interna causa posse dissolvi aut in aliam formam mutari.

5. *NS alle de burgers*, glossed *cives*; which suggests *omnes cives*. But cf. l. 15, where *omn um* is rendered *van alle de burgers*.

19. *NS of daar zal terstont twist tusschen anderen, die meê daar naar trachten, rijzen*. This confirms *P*'s correction *aliorum petentium*. *OP alios petentium*.

22–23. *NS dat die Heerschappy, de welke in een enige Stat bestaat, en voornamelijk de gene, die veel steden onder zich heeft, eeuwig is*, i.e. *cum imperium quod unam solam urbem, tum praecipue illud quod plures urbes tenet* (or *continet*) *aeternum esse*.

who flee in terror from the enemy; they cannot be restrained by fear of anything else, but hurl themselves into rivers or rush into flames to get away from the swords of their foes. It does not matter, then, I shall be told, how correctly a commonwealth has been organized, and how well its laws have been framed; when the state is in desperate straits, and everyone, as often happens, is seized with panic, the citizens will take no account of the future or the laws, but will follow only the promptings of their immediate fear; they will all turn to the man who is renowned for his victories, release him from the laws,[1] create a disastrous precedent by prolonging his command,[2] and entrust the entire commonwealth to his good faith. This, in fact, was the cause of the overthrow of the Roman state. The above objection I answer as follows. First, in a well-organized commonwealth a panic like this does not arise without good reason; and so it, and the disturbance to which it leads, can be attributed to no cause which could have been avoided by human foresight. Secondly, it must be noted that in a commonwealth such as I have described above it is impossible for any single man to have such an outstanding reputation for ability that he turns everyone's eyes upon himself (by Sections 9 and 25 of Chapter 8): he must inevitably have numerous rivals, each with a considerable following. Thus even though panic does cause some disturbance in the commonwealth, no one will be able to get round the laws and appoint someone illegally to a military command without arousing the immediate opposition of other candidates; and to settle the dispute it will be necessary in the end to revert to the laws once established and approved by all, and to arrange such matters in accordance with the existing constitution. I can therefore assert without qualification that while both aristocracies are everlasting, this is particularly true of the one governed by several cities; that is, it cannot be destroyed or changed to another form by any internal cause.

[1] Spinoza is thinking of the panic of 1672, during which William III was appointed stadtholder in spite of the Perpetual Edict of 1667.

[2] Machiavelli held that the prolongation of military commands caused Rome the loss of her liberty (*Discourses* iii, 24).

## CAPUT XI

1. Transeo tandem ad tertium et omnino absolutum imperium quod democraticum appellamus. Hujus ab aristocratico differentiam in hoc potissimum consistere diximus, quod in eo a sola supremi concilii voluntate et libera electione pendeat ut hic aut ille patricius creetur; ita ut nemo jus suffragii et munera imperii subeundi haereditarium habeat, nemoque id jus sibi poscere jure possit, ut in hoc, de quo jam agimus, imperio fit. Nam omnes qui ex parentibus civibus, vel qui in patrio illo solo nati, vel qui de republica bene meriti sunt, vel ob alias causas ob quas lex alicui jus civis dare jubet, ii, inquam, omnes jus suffragii in supremo concilio muneraque imperii subeundi jure sibi poscunt; nec denegare iis licet nisi ob crimen aut infamiam.

2. Si igitur jure institutum sit ut seniores tantummodo qui ad certum aetatis annum pervenerunt, vel ut soli primogeniti simulatque per aetatem licet, vel qui certam pecuniae summam reipublicae contribuunt, jus suffragii in supremo concilio et imperii negotia tractandi habeant, quamvis hac ratione fieri posset ut supremum concilium ex paucioribus civibus componeretur quam illud imperii aristocratici de quo supra egimus, erunt nihilominus hujusmodi imperia democratica appellanda, quoniam eorum cives qui ad regendam rempublicam destinantur, non a supremo concilio, ut optimi, eliguntur, sed lege ad id destinantur. Et quamvis hac ratione hujusmodi imperia, ubi scilicet non qui optimi, sed qui forte fortuna divites vel qui primi nati sunt ad regimen destinantur, imperio aristocratico cedere videantur, tamen, si praxin seu communem hominum conditionem spectemus, res eodem redibit. Nam patriciis ii semper optimi videbuntur, qui divites, vel ipsis sanguine proximi, vel amicitia conjuncti sunt. Et sane, si cum patriciis ita comparatum esset ut liberi ab omni affectu, et solo studio publicae salutis ducti, collegas patricios eligerent, nullum esset imperium cum aristocratico comparandum. Sed rem contra omnino sese habere satis superque ipsa experientia docuit, praesertim in oligarchiis, ubi patriciorum voluntas ob defectum aemulantium maxime lege soluta

10. *OP subeunda*. But cf. l. 5 above.
14–15. *NS of om dat zy zekere hoop gelts aan de gemene Staat verschaffen*, i.e. *vel quia*.
25. *OP videbantur*, corrected to *videbuntur* in the list of Errata; *NS zullen . . . schijnen*.

# CHAPTER XI

1. I come at length to the third and completely absolute state[1] which we call democracy. The main difference between this state and aristocracy has been mentioned already:[2] in aristocracy the appointment of a particular individual to the patriciate depends entirely on the will and free choice of the supreme council, so that the right to vote and undertake offices of state is in no case an hereditary possession, and no one can demand that right for himself by law; but in the state I am now discussing the opposite is true. For here all who are of citizen parentage, or who have been born within the fatherland, or who have done good service to the commonwealth, or who qualify on other grounds recognized by law as entitling a man to civic rights, all these, I say, can legally claim the right to vote in the supreme council and to undertake offices of state; and it cannot be denied them unless they are criminals or persons of ill repute.

2. Thus if it is laid down in the constitution of a state that only older men who have reached a certain age, or eldest sons as soon as they attain their majority, or those who contribute a certain sum of money to the exchequer, shall have the right to vote in the supreme council and to handle public affairs, then, although such provisions would make it possible for its supreme council to be smaller than that of the aristocracy I have dealt with above, the state will still have to be called a democracy,[3] since those of its citizens who are appointed to govern the commonwealth are not selected by the supreme council as the best, but are assigned this function by law. This appears to make such a state inferior to an aristocracy, since it is not the best, but those who happen to be rich, or eldest sons, who are appointed to govern; but if we consider actual practice, or ordinary human nature, we shall find little to choose between them. For patricians will always regard as the best those who are rich or closely united to themselves by blood or friendship. Of course, if patricians were such that they could divest themselves of all partiality in choosing their colleagues, and be guided only by zeal for the public welfare, there would be no state to compare with aristocracy. But the very opposite is the case, as actual experience has amply shown; especially in oligarchies, where, since the patricians have no rivals, their will is completely free from legal restraint.

[1] *TP* viii, 3, p. 371.
[2] *TP* viii, 1, p. 367.
[3] *TP* viii, 12, p. 379, and 14, p. 381.

est. Ibi enim studio optimos a concilio arcent patricii, et eos sibi socios in concilio quaerunt qui ab eorum ore pendent; ita ut in simili imperio multo infelicius res ejus sese habeant, propterea quod patriciorum electio ab absoluta quorundam libera sive omni lege soluta voluntate pendeat. Sed ad inceptum redeo.

3. Ex dictis in praeced. Art. patet nos posse imperii democratici diversa genera concipere. Sed meum institutum non est de unoquoque, sed de eo solummodo agere in quo omnes absolute qui solis legibus patriis tenentur, et praeterea sui juris sunt, honesteque vivunt, jus suffragii in supremo concilio habent muneraque imperii subeundi. Dico expresse *qui solis legibus patriis tenentur*, ut peregrinos secludam, qui sub alterius imperio esse censentur. Addidi praeterea quod *praeterquam quod legibus imperii teneantur, in reliquis sui juris sint*, ut mulieres et servos secluderem, qui in potestate virorum et dominorum, ac etiam liberos et pupillos, quamdiu sub potestate parentum et tutorum sunt. Dixi denique *honesteque vivunt*, ut ii apprime secluderentur qui ob crimen aut aliquod turpe vitae genus infames sunt.

4. Sed forsan rogabit aliquis num foeminae ex natura an ex instituto sub potestate virorum sint. Nam si ex solo instituto id factum est, nulla ergo ratio nos coegit foeminas a regimine secludere. Sed si ipsam experientiam consulamus, id ex earum imbecillitate oriri videbimus. Nam nullibi factum est ut viri et foeminae simul regnarent; sed ubicunque terrarum viri et foeminae reperiuntur, ibi viros regnare et foeminas regi videmus, et hac ratione utrumque sexum concorditer vivere. Sed contra Amazonae, quas olim regnasse fama proditum est, viros in patrio solo morari non patiebantur, sed foeminas tantummodo alebant, mares autem quos pepererant necabant. Quod si ex natura foeminae viris aequales essent, et animi fortitudine et ingenio, in quo maxime humana potentia et consequenter jus consistit, aeque pollerent, sane inter tot tamque diversas nationes quaedam reperirentur ubi uterque sexus pariter regeret, et aliae ubi a foeminis viri regerentur, atque ita educarentur ut ingenio minus possent. Quod cum nullibi factum sit, affirmare omnino licet foeminas ex natura non aequale cum viris habere

4. *OP absolutâ. NS van de volstrekte vrije wil van enigen, die van alle wetten ontslagen zijn. de volstrekte vrije wil* is glossed *Voluntas absoluta libera.* Contrast p. 266, l. 27: *potentia quae absolute libera est.* 10. *P supremo*; *OP suppremo.*

11. *OP* commences the quotation at *solis*: *NS* rightly at *die* (*qui*).

12. Both *OP* and *NS* wrongly commence the quotation at *quod* (*dat*).

For there they take every precaution to exclude the best men from the council, and seek as their colleagues upon it men who will hang on their lips; so that such states are actually in a far worse condition than democracy, since the selection of patricians depends on the arbitrary choice of a few men, i.e. on a will released from all legal restraint. But I must return to my subject.

3. It is clear from my remarks in the previous Section that we can conceive different kinds of democracy. My purpose, however, is not to discuss them all, but to confine myself to the type in which absolutely everyone who is bound only by the laws of his country, and is otherwise independent, and who leads a decent life, has the right to vote in the supreme council and to undertake offices of state. I say expressly 'who is bound only by the laws of his country', in order to exclude aliens, who are regarded as the subjects of another government. I added 'and is otherwise independent', to exclude women and servants, who are subject to their husbands and masters, and also children and wards, as long as they are under the control of their parents and guardians. I said lastly 'and who leads a decent life', primarily to exclude those who have gained a bad reputation through crime or some dishonourable mode of living.

4. But perhaps someone will ask whether it is by nature or by convention that women are subject to men.[1] For if this is due solely to convention, I have excluded women from the government without any reasonable cause. However, if we consult actual experience, we shall see that it is due to their weakness. For nowhere has there been any instance of men and women ruling together; but wherever we find men and women, we find that the men rule and the women are ruled, and that on this basis both sexes live in harmony. (The Amazons, who are said by legend to have ruled in days gone by, are no exception to this statement; for they would not allow men to stay in their native land, but used to rear females only and to kill the males they had borne.) Yet if nature had made women equal to men, and had given them equal strength of mind and intellectual ability, in which human power and therefore human right mainly consists, surely among so many different nations some would be found where both sexes ruled on equal terms, and others where the men were ruled by the women and brought up in such a manner that they had less ability. But since this has nowhere happened, I am fully entitled to assert that women have

[1] Lipsius, *Monita et Exempla Politica*, II, ii. Cf. Van Hove, *Polityke Weegschaal* I, i, 16, who quotes from Tacitus, *Annals* III, xxxiii.

jus, sed eas viris necessario cedere; atque adeo fieri non posse ut uterque sexus pariter regat, et multo minus ut viri a foeminis regantur. Quod si praeterea humanos affectus consideremus, quod scilicet viri plerumque ex solo libidinis affectu foeminas ament, et earum ingenium et sapientiam tanti aestiment quantum ipsae pulchritudine pollent, et praeterea quod viri aegerrime ferant ut foeminae quas amant aliis aliquo modo faveant, et id genus alia, levi negotio videbimus non posse absque magno pacis detrimento fieri ut viri et foeminae pariter regant. Sed de his satis.

Reliqua desiderantur

not the same right as men by nature, but are necessarily inferior to them; so that it is not possible for both sexes to rule on equal terms, and still less for men to be ruled by women. If we also consider human passions, and reflect that men generally love women out of mere lust, judge their ability and wisdom by their beauty, are highly indignant if the women they love show the slightest favour to others, and so on, we shall easily see that it is impossible for men and women to govern on equal terms without great damage to peace. But I have said enough on this topic.

Unfinished